

Legislative Analysis



TEMPORARY DOOR LOCKING DEVICES IN SCHOOLS

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House Bill 5701 as reported from committee

Sponsor: Rep. Scott VanSingel

Committee: Regulatory Reform

Complete to 3-1-22

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 48 of 2022)

BRIEF SUMMARY: House Bill 5701 would amend 1937 PA 306, which regulates the construction of school buildings, to allow the administrative authority of a school building to submit plans for approval to install a temporary door locking device or system that are not sealed and signed by a licensed architect or license professional engineer and to allow such a device or system to be installed on the basis of those plans. The bill also would remove a capacity limit that now restricts installation of a device on the doors of larger rooms, such as a library or auditorium.

FISCAL IMPACT: House Bill 5701 would not have an appreciable fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

Legislation was enacted in 2020 to allow schools to install devices that can quickly be put in place to temporarily prevent a classroom door from being opened from the outside. Such devices are seen as a tool that schools can use to prevent an active shooter or other individuals from entering a classroom and harming students and staff. The devices are easily removed from the inside when a threat is resolved and can be removed from the outside by trained law enforcement officers or firefighters with a special key or tool.

Hundreds of schools around the state have installed the devices. Some feel, however, that the law should be amended to make the process of obtaining the needed permits easier and more affordable. For instance, the law currently requires plans to be drawn and approved by a licensed architect or licensed professional engineer, even though the devices do not impact the functioning of an existing door or require any adjustments to door frames or door locks. Reportedly, the current process is expensive, and more schools may be able to outfit their classroom doors with the devices if that requirement is removed. In addition, the law currently limits use of the temporary locking devices to rooms having a capacity of 50 or fewer people. Under COVID-19 precautions, many schools have been using larger rooms, such as libraries and auditoriums, to allow students to distance. It has been suggested that the capacity limitation be removed, as long as all other safety precautions in the law are adhered to.

THE CONTENT OF THE BILL:

House Bill 5701 would amend provisions of 1937 PA 306 that were added by 2020 PA 45 and that allow temporary door locking devices or systems to be installed in school buildings. Before installing a temporary door locking device or system, school administrators must, among other things, submit plans to and receive approval from the enforcing agency, obtain a permit for installation, and notify the local law enforcement agency and fire department of the intended installation or use. (The enforcing agency is the governmental agency responsible for administering and enforcing the state construction code in a governmental subdivision.)

The bill would add two copies of the floor plans to the documents that must be submitted as part of this process, as well as requiring submission of *two* copies (instead of one) of drawings, diagrams, and installation instructions for plan review.

In addition, 2020 PA 45 required an enforcing agency to approve an existing temporary door locking device or system that was installed in a school building before June 1, 2020 (the effective date of 2020 PA 45) if certain conditions were met.

The bill would revise one of the conditions to require the enforcing agency to approve the device or system if the administrative authority of the school building submitted *two* copies of the drawings, diagrams, and installation instructions showing that the device or system met the requirements of 2020 PA 45 not more than *one year* (instead of not more than 90 days) after June 1, 2020. (The other conditions would still also have to be met.)

However, and notwithstanding any rules, regulations, or guidelines promulgated by the Department of Licensing and Regulatory Affairs (LARA) to the contrary, the administrative authority of a school building would not be required to provide to LARA or to an enforcing agency construction documents that are sealed and signed by a licensed architect or licensed professional engineer in accordance with Article 20 of the Occupational Code before doing either of the following:

- Newly installing a temporary door locking device or system in a school building.
- Receiving approval for an existing temporary door locking device or system that was installed in a school building before June 1, 2020.

Finally, the device or system currently must not be installed on doors leading outside the building from a corridor *or in a room with a capacity of more than 50 people*. The bill would eliminate the italicized text.

MCL 388.851d

ARGUMENTS:

For:

According to committee testimony, temporary door locking systems had been installed and were used during the recent active shooter incident at Oxford High School, Oxford Township, Michigan. Although the lives of four students were taken, and seven people injured, many believe that the door locks bought police time to respond and protected many other students and staff.

House Bill 5701 could make the process to obtain the necessary permits more affordable if an architect or professional engineer did not have to be hired to review and approve the plans. Although multiple manufacturers make such devices, most follow a similar form whereby hardware is mounted on a door and on the floor (like a steel plate). In case of a lockdown, a separate piece of hardware can be slipped into place in seconds, connecting the door mount and floor plate to create a lock that can withstand hundreds of pounds of pressure, or more, and effectively prevent one or more individuals from entering the room. Since installation does not require any adjustments to the door or floor of a classroom other than the screws to secure the hardware, requiring a school to hire an architect or engineer would appear to be unnecessary.

All other requirements under the Revised School Code and Fire Prevention Code that must be met under 1937 PA 306 would continue to be adhered to.

In addition, some schools use larger spaces such as libraries, auditoriums, and gymnasiums as classrooms as needed. The law currently prohibits installing the temporary door locks on doors to these larger rooms. Since some school violence incidents have involved the shooter's targeting students in these larger rooms, some feel that adult staff in the rooms should be able to secure those rooms too.

Against:

Although some opposition to the bill was indicated, no testimony describing a concern was offered during the House committee's discussion of the bill.

POSITIONS:

A representative of Nightlock testified in support of the bill. (2-15-22)

The Department of Licensing and Regulatory Affairs indicated a neutral position on the bill. (2-15-22)

The Michigan Fire Inspectors Society indicated opposition to the bill. (2-15-22)

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