

Retrofit Barricade Devices and ADA Compliance

At Allegion, we understand that school districts and facility managers have to consider many different and sometimes competing factors when deciding how to protect building occupants. Legal requirements are high on the list of those factors. Recently, some confusion has developed around the question of whether retrofit door barricade devices are required to comply with the Americans with Disabilities Act (“ADA”). While we cannot offer you legal advice, we have consulted with our own lawyers and hope you will find the following analysis helpful as you and your legal team consider which security measures are best for your facilities.

Background

In 2010, the Department of Justice issued revised regulations for Titles II and III of the ADA. Those regulations adopted revised, enforceable accessibility standards known as the 2010 ADA Standards for Accessible Design (the “2010 ADA Standards”). Since 2012, the 2010 ADA Standards have governed program accessibility and barrier removal from existing buildings, as well as new construction and alterations.

In relevant part, the 2010 ADA Standards provide as follows:

205.1 [Operable Parts] General. Operable parts on accessible elements, accessible routes, and in accessible rooms and spaces shall comply with 309.

309.4 Operation. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

404.1 [Doors, Doorways, and Gates] General. Doors, doorways, and gates that are part of an accessible route shall comply with 404.

404.2.7 Door and Gate Hardware. Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4. Operable parts of such hardware shall be 34 inches (865 mm) minimum and 48 inches (1220 mm) maximum above the finish floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides.

Applicability of the 2010 ADA Standards to Retrofit Barricade Devices

The 2010 ADA Standards do not define the term “operable parts,” but most if not all retrofit barricade devices appear to fit within the plain meaning of that term: they are able to be used by occupants, they are used on doors, and, once fixed in place, they are part of the door systems, rooms, spaces and routes in which they are located.

The United States Access Board, a federal agency charged with promoting accessible design, has issued a Guide to the ADA Standards (the “USAB Guide”) explaining that operable parts “include light switches, electrical and communication receptacles, thermostats, alarm pulls, automatic door controls, *and other elements used by facility occupants,*” USAB Guide, Chapter 3: Operable Parts (emphasis added). This broad language again appears to include retrofit barricade devices. Although the USAB Guide explains that keys and non-fixed portions of locks and other operable parts do not need to comply with the 2010 ADA Standards, it also clarifies that the latches and locks themselves must comply with the standards.

To the extent that a specific retrofit barricade device does not meet the requirements of Section 309.4 of the 2010 ADA Standards (concerning ease of use of operable parts) or the requirements of Section 404.2.7 (concerning the location of operable parts on doors and gates), the device would be unlawful under the ADA. There do not appear to be any exceptions to those requirements that would apply to retrofit barricade devices. Specifically:

- The “general exceptions” listed in Section 203 of the 2010 ADA Standards apply to specific locations (e.g., construction sites and correctional facilities) and do not apply to classrooms, offices, and other locations where retrofit security methods may be considered.
- None of the “operable parts” exceptions listed in Section 205 (e.g., parts intended for use only by service or maintenance personnel) apply to retrofit barricade devices.
- Although Section 404.1 provides an exception for doors, doorways and gates that are designed to be operated “only by security personnel,” the term “security personnel” is used narrowly throughout the 2010 ADA Standards to apply only to individuals such as corrections officers. See, for example, Section 203.7 (discussing “inmates or detainees and security personnel” at detention and correctional facilities). Once again the USAB Guide supports the same conclusion. See USAB Guide, Chapter 4 (Entrances, Doors, and Gates) (“Manual doors, doorways, and gates that are designed to be operated only by security personnel, *such as guards in a jail or prison,* are exempt from requirements for hardware, closing speed, and opening force, but must meet all other requirements, including those for maneuvering clearance.”) (emphasis added).
- Neither of the two exceptions identified in Section 404.2.7 (one for certain “existing” locks and another for doors and gates near pools and hot tubs) apply to retrofit barricade devices.

Given all of the above, it may not be surprising to learn that disability rights organizations have objected to the use of retrofit barricade devices and have opposed efforts to loosen life safety codes to allow for such use. A facility or school district using devices that are not ADA compliant may be opening itself up to a discrimination suit regardless of whether anyone suffers physical injury as a result of their use.

In conclusion, a school district or facility using a retrofit barricade device that violates the 2010 ADA Standards for Accessible Design could potentially find itself exposed to a claim of discrimination under the ADA. An ADA violation could also be introduced as evidence of negligence if a building occupant was injured as a result of the device blocking egress from a classroom. Beyond legal liability concerns, however, the very fact that a security device makes emergency egress more difficult and violates the ADA would underscore the point that it may not be an appropriate safety and security solution. This is especially true in a school setting, where safety and security issues are at least as likely to develop *inside of* a classroom as outside of it.

Additional Resources:

- The 2010 ADA Standards are available at https://www.ada.gov/2010ADASTandards_index.htm. See § 309.4 (operable parts) and § 404.2.7 (door and gate hardware).
- The United States Access Board's "Guide to the ADA Standards" is available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/guide-to-the-ada-standards>.
- For advice on school emergency operations plans, see the U.S. Department of Education and FBI "Guide for Developing High-Quality School Emergency Operations Plans" at https://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf. Page 15 of the guide states "Plans must comply with the Americans with Disabilities Act."
- For general information concerning school violence, including the most recent version of the Centers for Disease Control and Prevention's "Understanding School Violence Fact Sheet," visit <http://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/>.
- For an example of a disability rights organization's position on barricade devices, visit <http://www.ndrn.org/en/media/releases/631-press-release-ndrn-testifies-at-hearing-to-improve-fire-safety.html> (National Disability Law Center press release, "NDRN Testifies at Hearing to Improve Fire Safety") ("We are very pleased that the [National Fire Protection Association] voted against potentially dangerous barriers in schools. . . . While security in schools is a very real concern, security cannot come at the expense of safety.")