

PURPOSE

This presentation will compare the differences between:

(for existing businesses without a change in occupancy)

- **Child care licensing rules of the Texas Department of Family and Protective Services (DFPS)**
- **International Fire Code-2006 (IFC)**
- **Life Safety Code-NFPA 101 (LSC)-2012**

CHANGES

Recent changes to codes and rules will be marked with the following special symbol:



WHAT IS A DAY CARE? (1)

DFPS- A licensed **Day Care Center** cares for **seven or more** children for less than 24 hours per day-**not in the permit holder's home.** **All after 9/1/03**

Registered Child Care Home: **Pre 9/1/03** No more than six children aged birth-13-may also care for six elementary school age after school-total no more than 12 children. **In caregiver's own home.**

Licensed Child Care Home: **Pre 9/1/03** Old title-may care for up to 12 children birth-13 **at any location.** Being replaced by Registered Child Care Homes

WHAT IS A DAY CARE? (2)

IFC-Group E: Use of a building, structure, or part thereof for education, supervision, or personal care for **more than five** children older than 2 ½ years.

Group I-4 : **More than five children under 2 ½ unless** on level of exit discharge and each child care room has a door directly to outside-then **Group E**

LSC-Day Care Center: **Four or more** clients receiving care, maintenance, and supervision by other than relatives/guardians for less than 24 hours per day.

LSC-Day Care Homes: **Four to 12** clients receiving care, maintenance, and supervision **in a home** by other than relatives/guardians for less than 24 hours per day.

IS IT A DAY CARE OR A SCHOOL? (1)

LSC-Occupancies that include part-day preschools, kindergartens, and other schools whose **purpose is primarily educational**, even though the children who attend such schools are of preschool age, shall comply with the provisions of Chapter 15-Educational Occupancies.

IFC-all Group E

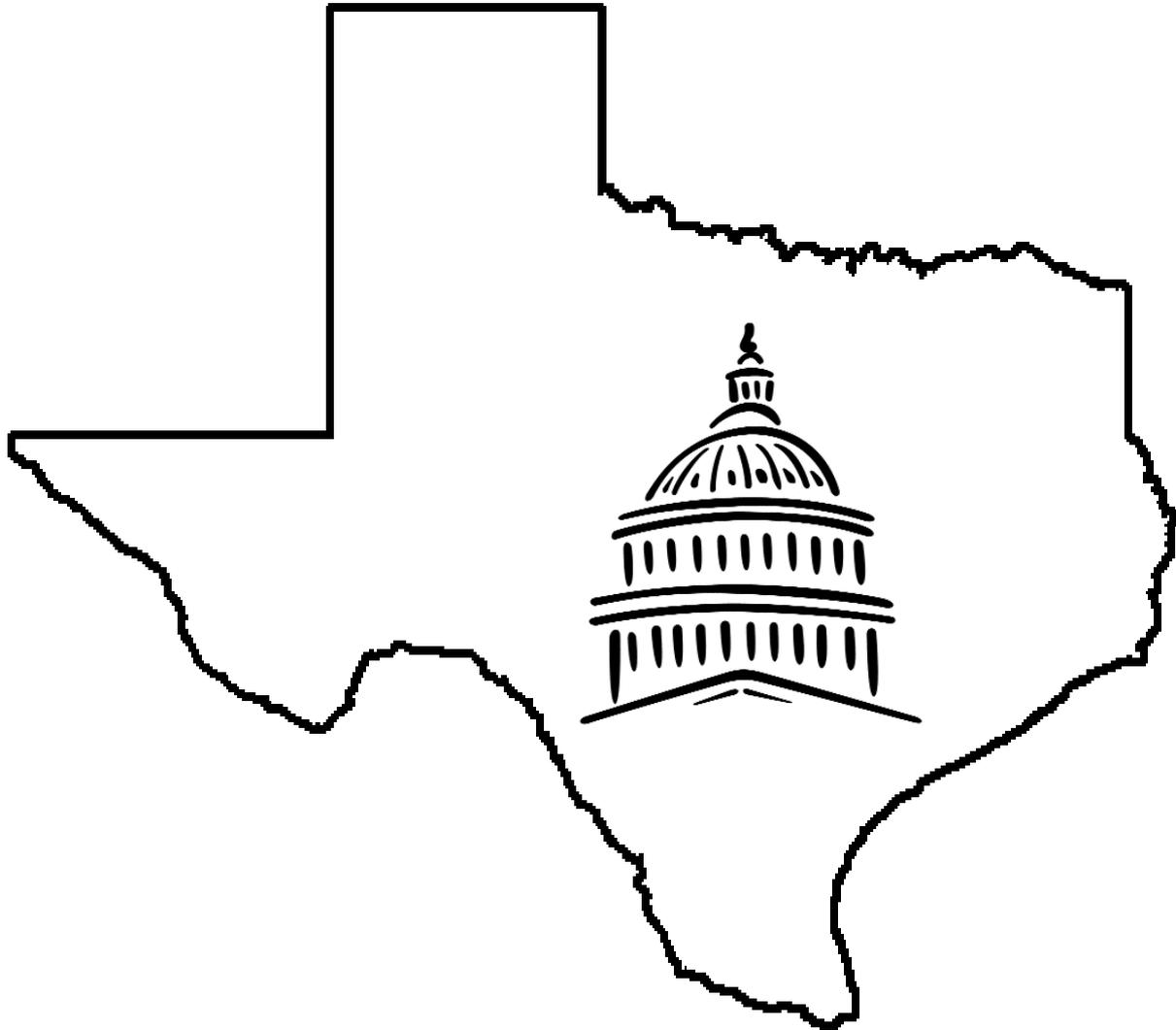


IS IT A DAY CARE OR A SCHOOL? (2)

- **LSC-** Where public schools offer only half-day kindergarten programs, many child day-care occupancies offer kindergarten classes for children who need full-day care. Because classes are **normally incidental to the daycare occupancy**, the day-care occupancy requirements should be followed.



LEGISLATIVE UPDATE



HOUSE BILL 3547-2011 SESSION

This law **allows** a municipality or a county to enforce **state law and rules adopted under state law** concerning fire safety standards at a licensed or registered child-care **home**. In addition, a municipality or county **must** report to DFPS any violation of fire safety standards observed by the municipality or county at a licensed or registered child-care **home**.

ABBREVIATIONS USED

- **AHJ**-subject to locally adopted codes
- **DFPS**-Texas Department of Family and Protective Services
- **IFC**-International Fire Code
- **LSC**-NFPA 101, Life Safety Code-**2012**
- **SFMO**-State Fire Marshal's Office

BUILDING CONSTRUCTION (1)

DFPS-Subject to the **AHJ & local building code**-above or below grade requires written permission of **authority having jurisdiction**.



IFC-Subject to **IBC** requirements

BUILDING CONSTRUCTION (2)

LSC- (if there is no local building construction code)

- 17.1.2.2.1 : Multiple Occupancies.** The day-care occupancy shall be **separated** from the other occupancies by not less than 1-hour fire resistance–rated barriers
- 17.1.2.2** In **apartment buildings**, interior corridors must be **divided** by a 1-hour fire resistance–rated barrier into two smoke compartments, each leading to separate exits.
- 17.1.6.1** Day cares **below grade** not permitted in Type II (000), Type III (200), Type V (000)
- 17.1.6.1** Day cares not permitted more than 2 stories **above grade**: Type II-non sprinklered, Type III, Type IV, Type V (nothing above first floor unless Type V (111) sprinklered and capable of self-evacuation)

OCCUPANT LOAD

DFPS-§746.4201: 30 Square feet net per child excluding permanent shelving, cubbies, and lockers but including moveable furniture-**no posting requirements**

IFC-104.1.1: 20 square feet net per person

IFC-1004.3 requires occupant load posting

LSC-7.3.1.2: 35 square feet net (MAX) **to calculate exit capacity only**-no posting requirements

MEANS OF EGRESS



DOORS



DFPS- subject to **AHJ**

IFC-1008.1.9: Group E with an occupant load **over 50** must have **panic hardware or fire exit hardware**

LSC-17.2.2.2.2 :Any door in a required means of egress from an area having an occupant load of **100 or more persons** shall be permitted to be provided with a latch or lock only if the latch or lock is **panic hardware or fire exit hardware**

DOORS-Access Control



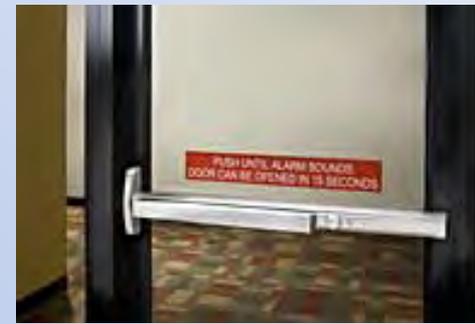
DFPS- subject to AHJ

IFC-1008.1.3.4: Requires sensor on egress side. Fail-open on loss of power. Manual release within 5 feet with signage. FACP or fire sprinklers must unlock when activated. **May not be locked from inside when occupied.**

LSC: 7.2.1.6.2: Requires sensor on egress side. Fail-open on loss of power. Manual release within 5 feet with signage. FACP or fire sprinklers must unlock when activated. **Emergency lighting required**

LSC: 7.2.1.5.6: If door is equipped with a bar or knob with an **internal switch** interrupting power to the lock, and lock **fails-open**, above restrictions **not required**.

DOORS-Delayed Egress



DFPS- subject to **AHJ**

IFC-1008.1.8.6: Only one delay permitted traveling to exterior. One second delay before process starts. Requires sprinklers or fire detection which will automatically release. Fail-open on power loss. Requires signage and emergency lighting.

LSC-17.2.2.3.1: Only one delay permitted traveling to exterior. Three second delay before process starts. Requires sprinklers or fire detection which will automatically release upon activation of one heat or two smoke detectors-**not a pull station**. Fail-open on power loss. Requires signage and emergency lighting.

DOORS-Swing Direction

DFPS- subject to **AHJ**

IFC-1008.1.2: Doors must open in direction of egress when serving occupant loads 50 or more.

LSC: 7.2.1.4.2: Doors must open in direction of egress when serving a room or area with occupant loads 50 or more.



EXIT SIGNS



DFPS- subject to **AHJ**

IFC-1027.4: Main entrances-not required.

Requires internal or external illumination (min. 5 foot-candles) **Emergency power not required.**

LSC-17.2.10: Main entrances-not required.

Requires internal or external illumination (min. 5 foot-candles) **Emergency illumination power required because emergency lighting is required in day care interior corridors.**

EMERGENCY LIGHTING



DFPS- §746.5211: Emergency lighting as approved/required by **AHJ or** flashlights in each room

IFC-1027.5: Required in **all** Group E corridors, stairs, and interior areas. **No** exterior lighting required..

LSC: 17.2.9 : Required in **all** day care center corridors, stairs, and interior areas. **No** exterior lighting of exit discharge is required.

BOTH: Periodic testing (30 days and annually) required and records of testing must be kept on site.

Is This One Foot-Candle?



ESCAPE WINDOWS

DFPS- subject to AHJ

IFC-not required in Group E

LSC: 17.2.11.1.1: Every room or space greater than 250 square feet and normally subject to client occupancy shall have not less than one outside window for emergency rescue-min. 20" W X 24" H **and** 5.7 sq. ft. open area not more than 44' above floor.

17.2.11.1.2 **Not required if** sprinklered or door direct to outside **OR** a non-locking connecting door to an adjacent room with door or escape window.



PROTECTION FROM HAZARDS

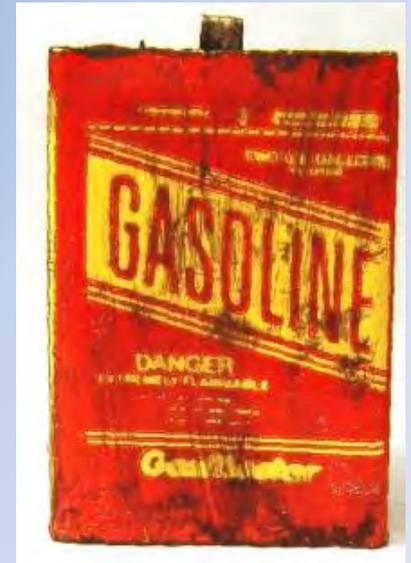
DFPS- subject to AHJ

IFC-subject to IBC

LSC: 17.3.2: Requires 1-hour enclosure **OR** sprinkler protection for fuel-fired furnace and boiler rooms, large quantity or hazardous storage areas, and **janitor closets.**

CAUTION - FIRE RATED WALL

This wall is rated for _____ hours.
DO NOT PENETRATE THIS WALL
without prior approval from the facility
owner. If penetrated, proper re-sealing of
the wall will be required to restore fire rating.



COOKING EQUIPMENT



DFPS- subject to AHJ

IFC-609.2: (see IMC also) A Type I hood shall be installed at or above all commercial cooking appliances **AND** domestic cooking appliances used for commercial purposes that produce grease-laden vapors. **Fire suppression system required. (see 904.11)**

LSC: 17.3.2.3: Commercial cooking equipment must be protected to NFPA 96 with a fire system. 17.3.2.5 Approved domestic cooking equipment used for food warming or limited cooking shall **NOT be required to be protected.**

INTERIOR FINISH

DFPS- subject to AHJ

IFC-803.3: Group E: **No** sprinklers: Class A in exit areas, Class B in corridors, Class C in rooms. **With** sprinklers: Class B in exit areas, Class C in corridors, Class C in rooms.

LSC: 17.3.3.2: Interior wall and ceiling finish materials complying with shall be Class A or Class B throughout.



CLASSROOM DECORATIONS

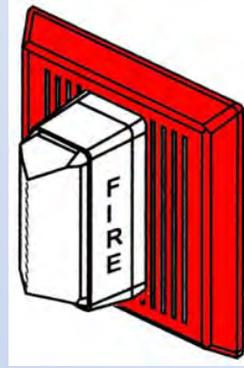


DFPS- subject to AHJ

IFC-807.4.3.2: **Corridor** decorations limited to **20%** of wall area. **NO** requirements for classrooms.

LSC- 17.7.4.3 Classroom decorations permitted to be attached directly to the walls providing the artwork and teaching materials not exceed **20% of the wall (no ceilings) area-**NO** sprinklers, **50% WITH** sprinklers. **Not permitted in corridors.****

FIRE ALARM SYSTEMS



DFPS- §746.5311: Alarm system with detection **OR** single station smoke alarms (battery or electric) in each room used by children.

IFC-907.3.1.1: Required in Group E **except** in **single classroom buildings** less than 1000 sq. ft and not closer than 50 feet to the nearest building **OR** with occupant loads of less than 50.

LSC- 17.3.4.1: Required in all **except** in single classroom open space buildings.

BOTH: **Off-site monitoring** required.

(LSC only if over **100** clients- **17.3.4.4.2**)

all existing required when old FA system replaced)



FIRE PROTECTION SYSTEMS

DFPS- §746.5301: Sprinkler system **OR**
3A:40B:C portable extinguishers required.



IFC-903.6 subject to **AHJ** in **existing**
buildings. **Required** in **NEW** Group E
buildings greater than 20,000 sq. ft. or
spaces below level of exit discharge. **906.1:**
Portable fire extinguishers **required** Group E



LSC-17.3.5.1: **Sprinklers only** if required
by construction type (see slide 10). Portable
fire extinguishers are **NOT** required.

BUILDING SERVICES-GAS

DFPS- §746.5401: Requires leak testing by licensed plumber at initial license and **every two years** afterward. Records kept on site.

IFC-subject to **AHJ** and local mechanical codes

LSC-Install and maintain to NFPA 54-**no** periodic testing requirements.



BUILDING SERVICES- ELECTRIC



DFPS-§746.3701-Electrical outlets in areas occupied by children **under 5** must have **safety covers**. 220 volt outlets accessible by **any** children must be guarded.

IFC-605.5: Extension cords may not be used as a substitute for permanent wiring. Use and installation subject to authority having jurisdiction and local codes.

LSC- 17.5.1 1: Extension cords may not be used as a substitute for permanent wiring. National Electrical Code applies to installation and use. **Safety covers required for any client occupied areas.**

BUILDING SERVICES- HEATING EQUIPMENT

DFPS- §746.5501: Open flame or liquid-fueled heaters **prohibited**. Gas heaters must be vented outside. All heating equipment with hot surfaces must be **guarded** against contact.

IFC-subject to **AHJ** and local mechanical codes.

LSC-17.5.2.2 Unvented gas heaters **prohibited**. All heating equipment with hot surfaces must be **guarded** against contact.



CARBON MONOXIDE DETECTORS

DFPS- §746.5533: One carbon monoxide alarm must be installed on each level of the day care **OR** a CO detector connected to the FACP. Must be **tested monthly** and records kept on site.

IFC-subject to **AHJ** and local mechanical codes.

LSC-NO requirements-existing

16.6.3.4.5 **required -NEW day care**
homes-fuel fired appliances or garages



EMERGENCY PLANS

DFPS-§746.5202 All child care centers must have an **emergency plan**, including evacuation, relocation, and emergency contact procedures. Must be kept on site and all staff familiar with it.

IFC-404.2: All Group E shall have a **fire safety and evacuation plan**, reviewed annually, and kept on site.

LSC-17.7.1: All child care centers must have an **emergency plan**, including evacuation, relocation, and emergency contact procedures. Must be kept on site and all staff familiar with it.

EMERGENCY PLANS

EMERGENCY EXIT DRILLS



DFPS- §746.5205: All child care centers will practice a fire drill **every month** and all children exit within **three minutes**. Records must be kept on site. Emergency and floor plans must be posted **in each classroom**.

IFC-405.2: Drills must be **monthly**-may be **deferred** in severe climates. Records kept.

LSC: 17.7.2 Drills must be **monthly**-may be **deferred** in severe climates. Records kept.

MISCELLANEOUS

DFPS- §746.401: Required Posting of Reports, Information and Phone Numbers:

- (1) Child-care center's license;
- (2) The current Licensing inspection/investigation;
- (3) Emergency and evacuation relocation plans;
- (4) Licensing *Notice of Availability for Review of:*
 - The most recent fire inspection report;
 - The most recent sanitation inspection report;
 - The most recent gas inspection report, if applicable;
 - The Licensing minimum standards for child-care;

DFPS-Required Posting of Reports, Information and Phone Numbers:

(8) Telephone numbers:

911 or, if 911 is not available in your area, you must post the numbers for: Emergency medical services; Law enforcement; and Fire department;

- Poison control;
- DFPS child abuse hotline;
- Nearest DFPS Licensing office telephone number and address; and
- The child-care center name, address, and telephone number.

(9) A list entitled “Current Employees.” The list must be at least 8-1/2 inches by 11 inches in size, printed legibly, and must include each employee’s first and last name;

(10) Any other Licensing notices with specific instructions to post the notice.

DFPS-Additional Child Safety Requirements

§746.3423: If hot water is provided for hand-washing, it may not exceed **120** degrees F.

§746.3701: **Glass** in sliding doors must be clearly marked with decals or other materials placed at children's eye level;

§746.3701: Exterior A/C condensers must be **screened** to prevent entry of children's fingers

§746.3703: No smoking on the **premises**.

§746.4001: **First aid** kit required at center.

§746.4305: **Outdoor** areas must be fenced with at least one exit **gate which may be locked** but every employee must be able to unlock it immediately.

MISCELLANEOUS-LSC

LSC-17.2.2.2.5: Every **closet** door with a latch must have a doorknob on the inside.

LSC-17.2.2.2.6: Every **bathroom** door with a lock must be able to be released by staff from the outside with a readily available tool or device.

LSC-17.7.3.2: Every exit door and stair will be inspected **daily** by day care staff to ensure they are safe and available.

☑ 16/17.7.4.1 Drapes/curtains must meet NFPA 701.

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ANY QUESTIONS?

Bud Martin

Deputy State Fire Marshal

bud.martin@tdi.state.tx.us

www.tdi.texas.gov/fire

SFMO 24 hour number: 512-305-7900