



# **Office of the State Fire Marshal**

## **Home Daycare Handbook**

**Office of the State Fire Marshal  
800 SW Jackson, Suite 104  
Topeka, KS 66612  
785-296-3401**

## INTRODUCTION

The Office of the State Fire Marshal has long had the responsibility to reduce the potential impact of fire and explosion hazards where people live, work, and congregate (other than one and two family dwellings). More specifically, the Fire Prevention Division focuses on facilities posing distinct fire hazards and those places where the potential loss of life from fire is very high; including structures where the very young and very old live and congregate.

To ensure a reasonable level of fire and life safety, the basic requirement for home daycare facilities is compliance with the Fire and Life Safety Agreement.

We have standardized inspection checklists and provide continuous training for our personnel to provide quality inspection and reasonable enforcement and to ensure a level playing field among facilities across the state. We will work with facilities on compliance; however, we believe we must insist on minimum requirements to ensure continuation of safe installations, practices, and procedures.

This booklet is developed for home daycare facilities in the State of Kansas as an informational guideline only.

## **APPLICANT RESPONSIBILITIES**

In an effort to help streamline the application process, as a home daycare provider, your process starts with your application to the Kansas Department of Health and Environment (KDHE). There is a section within the KDHE application that refers to a State Fire Marshal inspection. If you have not had a fire inspection, you would leave that section blank and OSFM will be notified that an inspection is requested. OSFM will work with the local fire departments on conducting these inspections.

- Provider is responsible for contacting the local fire department in their area to notify them of the intention to open a home daycare.
- Provider is responsible for making sure a fire inspection is conducted prior to the expiration of any temporary license. Contact 785-296-3401 to inquire about the inspection status.
- Provider is responsible for keeping a copy of the original fire inspection and the current year's inspection.
- Provider is responsible for making sure the home is inspected annually, either by the local fire department or through the providers' self-inspection.
- Provider is ALWAYS responsible for ensuring all fire and life safety aspects of the home are in compliance.

## **FIRE AUTHORITY RESPONSIBILITY**

The Office of the State Fire Marshal works closely with the local fire departments to conduct fire inspections throughout the state. However, it's important to be clear that KDHE does NOT require an annual fire inspection to be conducted at home daycares by a fire authority. KDHE requires a fire inspection upon initial licensure only.

- The Office of the State Fire Marshal will only conduct an initial licensure inspection or an inspection where a complaint is received by our office.
- The local fire departments may choose to only conduct an initial licensure inspection. However, some local fire departments conduct the inspections annually.

## **FILLING OUT THE FIRE AND LIFE SAFETY AGREEMENT**

- STEP 1:** Read the entire document (2 pages). **THIS IS A LEGAL DOCUMENT**
- STEP 2:** Check the appropriate boxes for Initial or Annual Renewal. If you are renewing, provide the license number
- STEP 3:** Print your name as the legal provider. This must be the same as provided to KDHE.
- STEP 4:** Call your local fire department to notify them of your intention to open a home daycare. This is a good time to discuss with them their requirements for an initial or annual inspection. **REMEMBER:** On new licensure, this will ultimately be coordinated by OSFM. Write in the blank which fire department you called and the phone number.
- STEP 5:** Post FLSA (2 pages). When the fire official arrives to conduct the initial inspection, they will fill out the 2<sup>nd</sup> page. **NOTE:** Some fire departments have their own inspection form and those are permissible to be used in lieu of the 2<sup>nd</sup> page. Just swap out the inspection report that was given to you with the 2<sup>nd</sup> page.
- STEP 6:** Post FLSA (2 pages) and keep track of your annual renewal date.
- STOP: If the local fire department conducts annual inspections. Continue with STEP 7 if the local fire department does not conduct annual inspections.*
- STEP 7:** You, the provider, will conduct an annual self-inspection using the 2<sup>nd</sup> page of the FLSA. This must be done annually and the current inspection must be posted.
- STEP 8:** Fill out all the top information on page 2 of FLSA.
- STEP 9:** Conduct a complete inspection of the home daycare facility using the checklist and indicate a met/not met for each item. It is expected that facilities will have items that are not met, with notes to indicate that the item was corrected on a specific date.
- STEP 10:** The “Date of Fire Official Inspection” will be the date that the initial fire inspection was conducted either by the fire department or OSFM. Put that date in this space.
- STEP 11:** The space for “Fire Official Signature” will be left blank, as this is a self-inspection.
- STEP 12:** Read the declaration and check the box that you understand.
- STEP 13:** Place the date of your annual review and sign the report
- STEP 14:** Post the FLSA (2 pages)

*Remember: You will need to retain the original fire official inspection report and the current year report.*

# OFFICE OF THE STATE FIRE MARSHAL

800 SW JACKSON, STE 104, TOPEKA, KS 66612

PHONE: (785) 296-3401 FAX: (785) 296-0151

## FIRE AND LIFE SAFETY AGREEMENT INITIAL APPLICATION AND ANNUAL RENEWAL FORM

Check One:  Group Day Care Home  Licensed Day Care Home

Check One:  Initial License  Annual Renewal

\_\_\_\_\_ (License Number)

I, \_\_\_\_\_ have provided the following:  
(Print your name as it is listed on your license)

I understand that I am responsible for meeting the fire and life safety codes to protect all persons in my home under my care from fire.

I have contacted my local fire department and building/zoning official and have met all local fire safety requirements. This year I notified the fire department closest to my home that I do child care in my home. The fire department I notified was: Fire Department Name \_\_\_\_\_ FD Phone Number \_\_\_\_\_

I understand that my basement or second floor can NOT be used for child care until I have written approval on file from the State/local fire officials. Once approved the basement may **ONLY** be used for child care if there are at least two separate and remote exits to the outside, only **ONE** exit can be an approved escape window.

I understand that I must be able to demonstrate that I can get everyone under my care, safely out of my home to a designated safe place within 4 minutes, and that I may be asked to demonstrate this ability in a fire exit drill. If children are located on the second floor, children must occasionally practice the use of the approved second floor fire escape window by going to the window and waiting for rescue.

I have working smoke detectors installed according to the manufacturer's instructions on every level of my home in the pathways leading directly to the outside and in each sleeping room used by children in my care. My smoke detectors are tested monthly and records are kept for review. My smoke detectors are powered by 10-year lithium batteries or are hard-wired with battery back-up.

I have a written emergency plan for use in case of fire. All persons responsible for the care of children in my home are familiar with my emergency plan and can get the children safely outside to the designated safe place.

I understand all areas of my home may be inspected at any time by State/local officials to determine compliance with this Agreement.

I understand that an on-site inspection conducted by State/local fire officials may only occur once in the lifetime of the license. I understand that it is my responsibility to conduct an annual review of all fire and life safety code requirements.

I agree to follow all fire and life safety codes and standards as outlined within the Fire and Life Safety Agreement and as directed by the State/local fire officials when an on-site inspection is conducted.

I understand that a copy of this Agreement must be posted next to my license at all times.

**I understand by signing this Agreement I have met all the requirements stated in this document. I understand that if inspected and found to be in violation, I may be subject to criminal or administrative action.**

# FIRE AND LIFE SAFETY AGREEMENT

## INITIAL AND/OR ANNUAL FIRE INSPECTION

GROUP AND LICENSED CHILD CARE HOMES

<b>NAME:</b>		<b>PHONE:</b>	
<b>ADDRESS:</b>			
<b>CITY/STATE/ZIP:</b>			

	MET	NOT MET	NA
- Child care provider is in a structure designed and/or used as one or two family dwelling. Day Care <u>Center</u> requirements <u>must</u> apply if in an apartment, church, commercial building, or other area.	<input type="checkbox"/>	<input type="checkbox"/>	
- Child care is on main level and has two remote compliant exits. (Secondary exit may be stairs <b>a compliant Rescue/ventilation window or door leading directly to the outside</b> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Child care is in the basement area and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Child care is on the second floor and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Primary or Secondary means of escape does not exit through any hazard area. (Garage, storage, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
- Every required exit door can be easily opened from the inside at all times when the facility is operating.	<input type="checkbox"/>	<input type="checkbox"/>	
- Every ESCAPE PATH including all stairways is clear of obstacles and all doors are in proper working condition.	<input type="checkbox"/>	<input type="checkbox"/>	
- Working smoke detectors are located in every exit pathway, in each sleeping room used for child care Single-station smoke detection hardwired to the electrical system with battery back up or ten year lithium battery detectors shall be required for initial inspection (Licensed after January 1, 2003) Existing providers, previously licensed before January 1, 2003 may continue with battery detectors.	<input type="checkbox"/>	<input type="checkbox"/>	Install Date of Det:  Install Date of Det:
- Smoke detectors are tested monthly and records are kept on file for review.	<input type="checkbox"/>	<input type="checkbox"/>	
- Copy of the current FIRE/LIFE SAFETY AGREEMENT is posted next to license.	<input type="checkbox"/>	<input type="checkbox"/>	
- Children can open every closet door from the inside at all times.	<input type="checkbox"/>	<input type="checkbox"/>	
- Written emergency procedures for fire evacuation are provided and practiced monthly.	<input type="checkbox"/>	<input type="checkbox"/>	
- Monthly fire drills are documented. Drills shall be conducted and evacuation times shall be within 4 minutes. Inspector may ask the operator to demonstrate ability to conduct such a fire drill in his or her presence.	<input type="checkbox"/>	<input type="checkbox"/>	
- Written emergency procedures for tornadoes are provided and practiced monthly April through September.	<input type="checkbox"/>	<input type="checkbox"/>	
- Every bathroom door can be unlocked from the outside at all times. The unlocking key/device is readily accessible to the provider.	<input type="checkbox"/>	<input type="checkbox"/>	
- All unused electrical outlets (in licensed areas) have child-resistant protective covers.	<input type="checkbox"/>	<input type="checkbox"/>	
- All natural gas, kerosene, wood, propane heaters, etc., are properly vented to the outside of the home.	<input type="checkbox"/>	<input type="checkbox"/>	
- A barrier that prevents children from getting too close or burned protects all heating devices.	<input type="checkbox"/>	<input type="checkbox"/>	

**DATE OF FIRE OFFICIAL INSPECTION:** \_\_\_\_\_ **FIRE OFFICIAL SIGNATURE:** \_\_\_\_\_

**ANNUAL RENEWAL:** I declare that the Fire and Life Safety Agreement has been examined by me and to the best of my knowledge and belief is a true, correct and complete attestation of my compliance with fire codes as required by Kansas law. I understand that failure to comply with Kansas fire codes may result in fines or a cease and desist order pursuant to K.S.A. 31-139 and K.S.A 31-159.

If you agree with the statement above please check the box, sign your name and provide the date that you reviewed the agreement.

I have read and understand the above declaration

**DATE OF ANNUAL REVIEW:** \_\_\_\_\_ **PROVIDER SIGNATURE** \_\_\_\_\_

## LIFE SAFETY CODE REQUIREMENTS

See Also Fire Fact 33

### ***FIRE REQUIREMENTS***

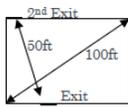
It is your responsibility as the provider to check these requirements daily to ensure you are providing a fire safe environment.

#### **Care is provided in a structure designed and used as a one or two family dwelling**

If care is being provided in a church, school, commercial building, or anything else that is not a home, the requirements for childcare centers or preschools must apply.

#### **Care is provided on main level and has two remote exits**

These escape routes must lead to a place of safety outside your home. The exits must allow you and all other occupants to safely get out of your home within four minutes. You must have two remote exits. Remote is typically determined by  $\frac{1}{2}$  the vertical distance of the space.



100ft is the vertical distance

50ft is  $\frac{1}{2}$  the vertical distance

As long as the 2<sup>nd</sup> exit is at least 50 ft apart it would be remote

#### **Primary or secondary means of escape does not exit through hazardous areas**

The escape route leading to the exit doors (primary or secondary) must not lead through garages, storage rooms, or other hazardous areas. A kitchen would not typically be considered a hazardous room unless there is large amounts of combustible storage.

#### **Main floor exiting**

One exit must be easily walked to and lead directly to the outside. The second exit must allow you to walk or crawl directly to the outside. This second exit may be a compliant rescue/ventilation window. Whether the second exit is a rescue/ventilation window or a door, the exit path must continue to ground level.

#### **Basement existing**

If your basement will be used for child care, two separate exit paths must be provided. One exit will be the stairs leading back to the main floor. The second exit may be a rescue/ventilation window to the outside, or a door that leads directly outside and continues to ground level. Any window used for exiting must meet the requirements for a rescue/ventilation window.

#### **Second floor exiting**

If your second floor will be used for child care, two separate exit paths must be provided. One exit will be stairs leading back to the main floor. The second exit may be a door or rescue/ventilation window that leads directly outside. Ladders of any type from a second floor window are not acceptable. Windows MAY lead to decks or platforms, but it is not required. However, approval must be obtained from the local fire department to ensure they have access to that window for rescue operations.

***Childcare cannot be located above the second floor.***

#### **Every required exit door can be easily opened from the inside during hours of operation**

All required exit doors must be easily opened. Any locks or latches that would restrict the ability to open the door with one motion is prohibited. A lock that functions as a latch or other fastening device so as to require no tools/keys and only one operation to release” is permitted.

**Children must be able to open every closet and bathroom door from the inside at all times**

Children could easily become trapped in a closet or bathroom. If there is a lock on the door, the key or tool required to unlock the door must be readily accessible (i.e. hung by the door). For closets containing household cleansers, chemicals, or other items dangerous to children, a hook-and-eye closure at the top of the closet door will be permitted, as long as children are unable to access the closure.

**Every escape path is clear of obstacles and all doors are in proper working condition**

This is one of the most difficult requirements to apply in a residential environment. Ideally, all of your hallways and egress paths would be completely clear of obstacles to include furnishings, lamps, decorations, etc. However, this is your home and you are allowed to maintain it as such. With that in mind, you need to take a look at your main egress paths and think about what would be a tripping hazard or an obstruction. Items such as plant stands, stacked items, carseats, toys spread out, large pieces of furniture, etc would all become tripping hazards or obstructions during an emergency.

**Smoke detectors must be installed and maintained on every level of your home**

The smoke detectors must be powered by the home's electrical supply or by 10-year lithium batteries. They must be located in every exit pathway and in each sleeping room used for children in your care. Regardless of how they are powered, the smoke detectors must be tested monthly. The tests must be recorded and documentation kept on file.

**Current Fire and Life Safety Agreement Posted**

Each year you must post the current Fire and Life Safety Agreement. You must retain the original fire inspection that was conducted by the fire official in a file/folder for safe keeping for the duration of your licensure.

**Emergency procedures must be written down and practiced**

Fire drills must be done monthly and documented, and the evacuation time must be less than four minutes. Tornado drills must be practiced monthly April through September and documented. Practice fire and tornado drills at different times of the day, regardless of weather, so that in the event of a real emergency you will be prepared to get everyone in your care to a place of safety.

**How to conduct a fire drill:**

- 1) Use the test button on your smoke detector to sound the alarm
- 2) Be able to account for all those in your care at all times
- 3) Keep anyone from re-entering the home or being injured by an outdoor hazard
- 4) Once you get everyone to the place of safety, make a note of the elapsed time and record it and the other requested information on your Tornado and Fire Drill Record

*Note: If you have children on the second floor, you must occasionally practice the use of the rescue/window. That means you direct the children to go to the window, release the window mechanism (you do not have to totally open the window), and pretend to wait for rescue at the window.*

In an actual emergency, always call the fire department from a neighbor's home after everyone in your care is out of your home. Then allow the trained emergency personnel to do their job. Never reenter a burning home to try to extinguish the fire.

**All unused electrical outlets in the licensed area must have child-resistant protective covers.**

These protective covers help protect the more curious kids from possible electrical shock. The covers must be in place on all unused electrical outlets within the licensed area. It does not matter if the outlet is located high up on the wall or above a countertop. It must be protected.

**All natural gas, kerosene, wood, propane heaters, etc., are properly vented to the outside.**

Unvented heaters are acceptable, but if the heater was designed by the manufacturer to be vented to the outside, it must be properly vented.

### **Barriers from all heating devices**

Barriers must prevent the children from getting too close or being burned. This applies to fireplaces (both wood- and gas-fueled), furnaces, floor heaters, and water heaters. You will be required to provide the barrier even if you do not plan to use the heating device. Make sure your barrier is made up of non-combustible material.

### **F.A.Q's**

#### **Are basement access doors (hatch type) permissible to be used as an exit from the basement?**

No. The door pictured below is not approved as an acceptable exit from a basement. This type of door is subject to snow loads, falling debris, and being locked, blocked, or vandalized in some manner. Additionally, children attempting to evacuate this lower level space may not be able to operate the locking arrangement and the door may be too heavy to push to initiate the spring assists.



#### **I have stairs and small infants, can I use a baby gate?**

Baby gates are a “necessary evil”. If the baby gates open with not much more difficulty than a standard door, then it will be judged to be ok. OSFM recommends using the hinged baby gates so it won’t become an obstruction by falling on the floor or becoming displaced.

#### **I have a garage but we do not park our cars or store fuel equipment in the garage, can it be an exit?**

No. If there is the ability to pull a car into the garage or store fuel powered equipment such as lawn mower, etc. then it will remain classified as a garage and is prohibited from being used as a primary or secondary exit. However, if you remodel the garage (i.e remove the door, sheetrock, install carpet, etc) and turn it into addition living space, then yes it would be permissible to be used as an exit.

#### **Our secondary exit leads to a fenced back yard. Can the gate be locked?**

This can be tricky because the gate becomes a part of the egress path. This gate would need to meet all the same locking requirements as an interior exit door. However, OSFM will allow the gate to be locked only if all occupants can get more than 50ft away from the house while still inside the fenced area.

# FIRE DRILL RECORD- GENERAL

Facility Name	Year(s) of drills
Address	Responsible Party Name and Title
City, State, Zip	Facility/License #
Phone	Fax

MONTH	DATE OF DRILL	TIME OF DAY	TIME FOR EVACUATION	NUMBER OF OCCUPANTS	RESPONSIBLE PARTY NAME
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

## POST IN A CONSPICUOUS LOCATION

When ALL REQUIRED DRILLS have been conducted, maintain the original or a copy of the drill record IN YOUR FILES ONLY for a period not less than 5 years for future reference and verification by the Office of the State Fire Marshal.