

# Office of the State Fire Marshal – Fire Prevention Division



References (s): 12-IFC/Chpt 2; K.A.R 28-4-420

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Preschools and Childcare Centers provide learning experiences for children who have not attained the age of eligibility to enter kindergarten. When inspecting these facilities for fire and life safety requirements the codes and state regulations are based upon how long individual children are at the location and the age of the children.

Preschools typically include part-day head start centers, before and after school care, and latch-key programs. Both preschools and childcare centers can be located in schools or non-educational buildings.

**Preschool-** In order for a facility to be considered a Preschool by OSFM, all of the following conditions must be met:

- 1) All children are 2.5 years of age or older, and have not attained the age of eligibility to enter kindergarten, *and*
- 2) Sessions are not more than three hours per session, *and*
- 3) Children are enrolled in only one session per day, *and*
- 4) Meals are not served

If all these conditions are met, the facility is considered a 'preschool' and must meet EDUCATIONAL (Group E) requirements.

**Childcare Center-** If any of the following conditions are met, the facility is considered a Childcare Center by OSFM:

- 1) Provides care and educational activities for any children between the ages of two weeks and 16 years, *or*
- 2) Sessions last between three hours and a full day, *or*
- 3) Care is provided for more than 4 hours and less than 24 hours per day

If any of these conditions are met, the facility is considered a 'childcare center' and must meet CHILDCARE (Group I4) requirements.

Childcare centers, especially those with children under 2.5 years old, must meet a greater fire and life safety burden than educational occupancies. Because of the younger children and their inability to preserve their own life in the event of an emergency, more stringent requirements are in place to compensate.

Although local jurisdictions may impose greater requirements than those set by the Office of the State Fire Marshal, they can not approve less than what is required by OSFM. The facility owners and operators are responsible for insuring state and local requirements are met.

## **Childcare Centers and Preschools (including Head Start and school-age programs)**

All childcare centers and preschools must be approved before opening. In the case of programs not regulated by KDHE and located inside existing schools, this approval must be obtained through the Kansas Department of Education (KSDE). Facilities should retain the written approval from KSDE for the life of the program. A change in location, even within the same building, will require new approval from KSDE.

Most childcare centers and preschools will be licensed through the Kansas Department of Health and Environment (KDHE), including some programs located in schools. To determine if your facility requires licensing through KDHE, contact the agency or your local health agency directly.

FIRE FACT 031 – CHILDCARE CENTER & PRESCHOOL

# Office of the State Fire Marshal – Fire Prevention Division

## Fire Marshal Approval and KDHE Licensing (Centers & Preschools)

Facilities licensed by KDHE are required to submit “fire marshal approval” with their initial licensing materials. This approval is obtained through submitting plans to the Office of the State Fire Marshal (OSFM). This approval must also be submitted to KDHE for license amendments, such as an increase of children, use of a new room, change in ages, and change in ownership or facility name. The amount of information that must be submitted depends largely on the number and ages of children to be cared for. To obtain “fire marshal approval,” you must submit plans to the Office of the State Fire Marshal.

What to Submit	Less than 24	24 or More
Request for Review (C.2.2)	x	x
Compliance Attestation (C.2.2.A)		x
Scaled Drawing	x	
Code Footprint		x

After plans are approved, an approval letter will be sent to the facility. This approval letter must be submitted with the licensing paperwork to KDHE. An initial inspection will also be scheduled for new occupancies. Copies of all documentation, including inspection paperwork, must be kept by the facility.

**Scaled drawings:** These drawings can be done by the facility owner or operator. It must be drawn to scale and must clearly show:

- Scaled drawing of all rooms in facility, (including basement and second floor, if applicable)
- Rooms identified by name or number and usage
- Identification of all rooms being used for licensure
- Number and ages of children in each room
- All exit pathways out of the building
- Dimensions of all rooms being used
- Location of doors and windows for rooms being used
- Type of construction (wood frame, metal/block, etc.)
- Identify type of fire detection system (fire alarm with panel or hardwired smoke detection only)
- Location of fire alarm panel, if applicable)
- Location of hardwired smoke detection (battery-operated detectors are not acceptable)
- Location of emergency lighting
- Identify if facility is provided with an automatic sprinkler system

**Code footprints:** These are complex drawings that must be completed by a Kansas-licensed architect or design engineer.

## Name or Ownership Changes

If the facility is changing the name or ownership of the program, a written request for approval of the change should be submitted to OSFM. The request should include both the old name/owner and new name/owner. The letter should also clearly state that no changes will be made to either the programs or building. In the event changes *are* being made, plans will need to be submitted for review. In addition to the request for change, a photocopy of an approved inspection within the past six months, conducted by either the OSFM or local jurisdiction, must be submitted with the request. An approval letter will then be sent back to the facility for submission to KDHE.

## Annual Inspections

Childcare centers and preschools will receive an annual inspection from the local jurisdiction (the local fire department) or from the OSFM. Copies of these inspections are required by KDHE for licensing. The inspection criteria can be found in the 2012 International Fire Code regarding either Group I4 for childcare centers or Group E for preschools.