



# **Fire Safety**

## **A Cooperative Effort Between Child Care Licensing and Fire Officials**

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# What Does CCL Do?

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**Licenses, monitors, and investigates complaints in child care centers where children participate in day time activities while parents are away.**

# What types of operations are subject to regulation?

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- **Listed Family Homes- 3 or fewer unrelated children in a home care setting.**
- **Registered and Licensed Homes- 4 or more unrelated children in a home care setting. The maximum number of children is 12.**
- **Licensed Child Care Center- 1 or more unrelated children in an operation, total capacity is based upon a square footage of the activity space.**

# What does each type of operation require for fire safety?

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## Minimum Standards related to Fire Safety

- Registered and Licensed Child Care Homes
- Licensed Child Care Centers
- Before and After School Programs
- School-Age Programs

## No Minimum Standards related to Fire Safety

- Listed Family Homes
- Temporary Shelter-Care

# Registered and Licensed Child Care Homes

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## **§747.4901 Must I have a fire inspection of my child-care home?**

We do not regulate fire inspections and do not require that you have a fire inspection as part of these minimum standards; however your local ordinances may require one. If you want to care for children above or below the ground floor of your childcare home, you must obtain written approval from the state or local fire marshal as specified in §747.4015 of this title (relating to May I care for children above or below ground level?).

# Licensed Child Care Center

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## **§746.5101 Must my child-care center have an annual fire inspection?**

(a) Your child-care center must have a fire inspection before we issue your initial permit and at least once every 12 months, unless your child-care center is located in a public school facility operated by the local independent school district.

(b) If an inspection is required, a state or local fire marshal must conduct the inspection. If an inspection is not available, you must provide documentation of this from a state or local fire marshal or county judge.

## **§746.5103 How do I document that a fire inspection has been completed?**

If required, you must keep a copy of the most recent fire-inspection report, letter, or checklist at the child-care center during hours of operation to verify the inspection date and findings. The report must include the name and telephone number of the inspector.

## **§746.5105 Must I make all corrections specified in the fire-inspection report?**

Yes, if required, you must comply with all corrections, restrictions, or conditions specified by the inspector in the fire inspection report, letter, or checklist.

# Before and After School- BAP School Age Programs- SAP

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## **§744.3501. Must my operation have an annual fire inspection?**

(a) Your operation must have a fire inspection before we issue your initial permit and at least once every 12 months, unless your operation is in a public school facility operated by the local independent school district.

(b) If an inspection is required, a state or local fire marshal must conduct the inspection. If an inspection is not available, you must provide documentation of this from a state or local fire marshal or county judge.

## **§744.3503. How do I document that a fire inspection has been completed?**

Medium High If required, you must keep a copy of the most recent fire-inspection report, letter, or checklist at the operation during your hours of operation to verify the inspection date and findings. The report must include the name and telephone number of the inspector.

## **§744.3505. Must I make all corrections specified in the fire-inspection report?**

High If required, you must comply with all corrections, restrictions, or conditions specified by the inspector in the fire inspection report, letter, or checklist.

# When Does Licensing Review Fire Inspections?

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- At the time of the application inspection for a permit
- Each time an inspection or investigation is conducted at the operation
- At least annually

# Application Inspection

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- Ensures that the operation has an inspection by the local fire marshal approving the operation for use as a Day Care.
- No corrections to the fire inspection are pending
- Note any restrictions

# Annually or at Inspections

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- Review the most recent fire inspection report to ensure an annual inspection has been conducted.
- Review any corrections that were required to be made.
- Note any restrictions

# Coordination of Inspections

## Sec. 42.0443. COORDINATION OF FIRE SAFETY AND SANITATION INSPECTIONS.

- (a) The department may not inspect a licensed day-care center, licensed group day-care home, or registered family home for compliance with the department's fire safety or sanitation standards if the facility, at the time of the department's inspection, provides the department with documentation relating to a current fire safety or sanitation inspection, as applicable, performed by a political subdivision of this state that indicates that the facility is in compliance with the applicable standards of the political subdivision.
- (b) If the documentation provided under Subsection (a) indicates that the facility was required to take corrective action or that the political subdivision imposed a restriction or condition on the facility, the department shall determine whether the facility took the required corrective action or complied with the restriction or condition.
- (c) The department may inspect a facility subject to this section for compliance with the department's fire safety or sanitation standards if:
- (1) the facility does not provide the documentation described by Subsection (a); or
  - (2) the department determines that the facility did not take a corrective action or comply with a restriction or condition described by Subsection (b).
- (d) Notwithstanding any other provision of this section, the department shall report to the appropriate political subdivision any violation of fire safety or sanitation standards observed by the department at a facility subject to this section.
- (e) The department shall adopt rules necessary to implement this section.

# Independent Enforcement

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## **Sec. 42.04431. ENFORCEMENT OF STATE LAW BY COUNTY OR MUNICIPALITY.**

**(a) A municipality or a county may enforce state law and rules adopted under state law concerning fire safety standards at a licensed group day-care home or a registered family home.**

**(b) A municipality or county shall report to the department any violation of fire safety standards observed by the municipality or county at a licensed group day-care home or registered family home.**

# CCL Inspections of Fire Safety Standards

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**If ...**

**a licensed child-care center has documentation showing that the political subdivision:**

- **conducted a fire inspection within the timeframe outlined in the minimum standards;**
- and
- **did not cite any deficiencies**

**Then ...**

**Licensing does not evaluate the center for compliance with minimum standards §§746.801(13) fire drill documentation, extinguishers, smoke detectors, 746.5101 – 746.5105 annual fire inspection and corrections, and 746.5205 – 5501 systems associated with those standards , gas tanks and heating devices.**

# CCL Inspections of Fire Safety Standards

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**If.....**

**a school-age program or a before or after-school program has documentation showing that the political subdivision:**

- conducted a fire inspection within the timeframe outlined in the minimum standards; and**
- did not cite any deficiencies**

**Then.....**

**Licensing does not evaluate the program for compliance with minimum standards §§747.801(8) fire drill documentation, extinguishers, smoke detectors, 747.4901 annual fire inspection and corrections, and 747.5005 – 5301 systems associated with those standards , gas tanks and heating devices.**

# CCL Inspections of Fire Safety Standards

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**If....**

**a licensed or registered child-care home has documentation showing that the political subdivision:**

- conducted a fire inspection within the last 12 months; and**
- did not cite any deficiencies ...**

**Then....**

**Licensing does not evaluate the home for compliance with minimum standards**

# What do CCL Staff Evaluate?

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- **Documentation of a current fire inspection**
- **Corrections if needed**
- **Fire extinguishers**
- **Smoke detectors**
- **Fire drill documentation**
- **Gas leak test**
- **Exits and evacuation plans**

# Working Together- CCL Responsibilities

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- Inspectors will report any unsafe occurrences at the operation that involve potential fire safety violations
- Inspectors who are familiar with the inspections in their area will inquire about any inspection documents that look suspicious
- Inspectors will seek clarifying information in regards to fire safety issues they are unfamiliar with
- Inspectors may report any changes in the use of space such as infant rooms that have changed

# Working Together- CCL Responsibilities

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- **Inspectors will assist with enforcing any restrictions that are placed on a operation with regards to fire safety**
- **Inspectors are willing to accompany fire marshal's to any operation that may need assistance or clarification about fire safety and standards**
- **Inspectors are available to answer questions about the minimum standard requirements for all types of operations**

# Working Together

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- **Advise CCL on any actions taken against a facility that indicates a risk to the children that remain in care**
- **Consult CCL on any possible violations that you may see during inspections- too many children, overcapacity...**
- **Consult CCL about children being cared for illegally- no permit issued at a specific location**

# Questions and Answers

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**THANK YOU FOR  
SUPPORTING AND WORKING  
WITH CHILD CARE  
LICENSING ACROSS TEXAS  
TO KEEP CHILDREN SAFE.**