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**18.01.55 - FIRE SAFETY STANDARDS FOR DAY CARE**

**000. LEGAL AUTHORITY.**

This rule is promulgated pursuant to authority granted by Section 39-1111, Idaho Code. (7-1-93)

**001. TITLE AND SCOPE.**

01. Purpose. The purpose of this rule is to establish rules necessary to implement the fire safety standards provisions of Section 39-1109 and 39-1114, Idaho Code, as those sections apply to day care centers. This rule is drafted in order to implement the legislated minimum fire safety standards for day care facilities. It does not mean to imply that the provisions within provide for a level of fire safety that would meet nationally recognized standards. Nor does it mean that it would provide a level of fire safety that would meet the adopted fire safety standards for other occupancies in Idaho. (7-1-93)

02. Applicability. This rule applies to all day care centers and group day care facilities as defined and operating under the authority of Chapter 11, Title 39, Idaho Code. (7-1-93)

**002. -- 003. (RESERVED).**

**004. DEFINITIONS.**

01. Day Care. "Day care" means care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. (7-1-93)

02. Child. "Child" means a person less than twelve (12) years of age. (7-1-93)

03. Day Care Center. "Day care center" means a place or facility providing day care for compensation for thirteen (13) or more children. (Note: Day care centers are required to be licensed pursuant to Section 39-1104, Idaho Code.) (7-1-93)

04. Group Day Care Facility. "Group day care facility" means a home, place, or facility providing day care for seven (7) to twelve (12) children. (Note: Group day care facilities are required to have a fire inspection but not a license pursuant to Section 39-1114, Idaho Code.) (7-1-93)

05. Family Day Care Home. "Family day care home" means a home, place, or facility providing day care for six (6) or fewer children. (Note: Family day care homes are not required to have a license or fire inspection pursuant to Section 39-1114, Idaho Code.) (7-1-93)

06. Licensing Authority. "Licensing Authority" is the Idaho Department of Health and Welfare. (Note: As provided in Section 39-1101, Idaho Code, the minimum standards outlined in the state day care licensing act do not preempt any local ordinance that is more stringent). (7-1-93)

07. Occupant Load. "Occupant Load" is determined by calculating the square footage of the space between the interior face of the exterior walls assigned to day care use, and divided by the occupant load factor of 35. Allowances for interior walls or partitions and furnishings have been taken into account in the occupant load factor, except fixed seating. The occupant load for fixed seating is determined by counting the seats. (7-1-93)

08. Approved. "Approved" refers to approval by the chief officer of the fire department serving the jurisdiction, or his authorized representative, as the result of investigation and tests conducted by him or by reason of accepted principles or tests by national authorities, technical or scientific organizations as defined in Section 9.103 of the Uniform Fire Code, (1985 Edition). (7-1-93)

**005. -- 010. (RESERVED).**

**011. EXITING REQUIREMENTS.**

01. Unobstructed Exit. Required exits shall be located such that an unobstructed path outside the building to a public way or area of refuge is provided. (7-1-93)

02. Exit Doors. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. (7-1-93)

03. Exit Locations. There shall be at least two exits located a distance apart of not less than one-half (1/2) the diagonal dimension of the building or portion used for day care, but not to exceed seventy-five (75) feet. (Exception: The distance between exits may be extended to ninety (90) feet if the building is totally protected throughout with smoke detectors, and in buildings with automatic fire sprinkler systems the distance may be increased to one hundred ten (110) feet.) (7-1-93)

04. Exit Dimensions. The required exits shall be not less than thirty-two (32) inches of clear exit width and not less than six (6) feet, eight (8) inches in height. (Exception: Sliding patio doors will be accepted as a required second exit in "Family and Group Day Care Facilities" only.) (7-1-93)

05. Exits From Sleeping Rooms. Sleeping rooms shall be provided with at least one (1) emergency egress window having at least a minimum single net clear opening of five point seven (5.7) square feet, minimum height twenty-four (24) inches, minimum width twenty (20) inches, and maximum finished sill height not over forty-four (44) inches. (Note: An approved exit door is acceptable in lieu of egress windows. Also, an approved piece of furniture or platform, if anchored in place, may be approved to sit in front of a window if the sill height is over forty-four (44) inches.) (7-1-93)

06. Egress Windows From Sleeping Areas. Approved egress windows from sleeping areas shall be operable from the inside without the use of separate tools. (7-1-93)

07. Basement Exits. Where children are located on a story below the level of exit discharge (basement), there shall be at least two (2) exits, one of which shall open directly to the outside. (Note: More than one (1) exit from the basement opening directly to the outside may be required, depending on the structure of the building, in order to ensure the safety of the occupants.) (7-1-93)

08. Upper Floor Day Care Prohibited. Day care is prohibited on any upper floor beyond the first floor. (Exception: Day care is permitted at the second floor level provided that the building is protected throughout by an automatic fire sprinkler system and has two (2) exit doors directly from the second floor level to the outside.) (7-1-93)

09. Facilities With Over Fifty (50) children. For facilities with over fifty (50) children, exit doors shall swing in the direction of egress. (7-1-93)

10. Panic Hardware. For facilities with over fifty (50) children, exit doors from rooms having an occupant load of fifty (50) or more, if provided with a latch, shall have panic hardware. (7-1-93)

11. Exit Signs. For facilities with over fifty (50) children, exit signs shall be installed at required exit doorways and wherever else necessary to clearly indicate the direction of egress. (7-1-93)

**012. FIRE EXTINGUISHER REQUIREMENTS.**

There shall be a portable fire extinguisher (minimum 2A-10BC) mounted securely in a visible location not to exceed five (5) feet from the floor to the top of the extinguisher and not more than seventy five (75) feet travel distance to an extinguisher and maintained properly. (Note: Fire extinguishers shall be maintained as per the Uniform Fire Code Standards.) (7-1-93)

**013. TELEPHONE REQUIREMENTS.**

There shall be an operable telephone on the premises. (7-1-93)

**014. SMOKE DETECTOR AND FIRE ALARM REQUIREMENTS.**

01. Fire Alarm System. For facilities with over fifty (50) children, an approved fire alarm system shall be installed. (7-1-93)
02. Smoke Detectors. Approved smoke detectors shall be provided in a central location in the corridor or area giving access to rooms used for sleeping purposes. (7-1-93)
03. Basement Smoke Detectors. If there is a basement, there shall be a smoke detector installed in the basement having a stairway which opens from the basement into the facility. Such detector shall be connected to a sounding device or other detector to provide an alarm which will be audible in the sleeping area. (7-1-93)

**015. CHILD-STAFF RATIOS.**

01. Minimum Staff to Child Ratios. Any facility licensed to provide day care for thirteen (13) or more children shall comply with the following minimum staff to child ratios: (7-1-98)
  - a. One (1) staff member to six (6) children for all children age eighteen (18) months or less. When children of varying ages are present, any staff member responsible for supervising one (1) or more children age eighteen (18) months or less shall be responsible for no more than six (6) children. (7-1-98)
  - b. One (1) staff member to twelve (12) children for all children above age eighteen (18) months but less than five (5) years. When children of varying ages are present, any staff member responsible for supervising one (1) or more children older than eighteen (18) months but younger than five (5) years shall be responsible for no more than twelve (12) children. (7-1-98)
  - c. One (1) staff member to eighteen (18) children for all children whose age is five (5) years or more. (7-1-98)
02. Computing Ratios. All adults on the premises shall be counted as staff for the purposes of computing child-staff ratios, and each child shall count as one (1) child for the purposes of computing child-staff ratios. (7-1-98)

**016. SEVERABILITY.**

If any provision of this rule is for any reason held to be invalid, the remainder of the rule shall not be affected thereby (7-1-93)

**017. -- 999. (RESERVED).**