

ANNOUNCEMENT

C-23-02



Pennsylvania Office of Child Development and Early Learning
Bureau of Certification Services and Bureau of Early Learning Policy & Professional
Development

Issue Date: July 25, 2023

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Subject: Fire Safety Requirements for Child Care Centers and Group
Child Care Homes (in a Commercial Space)

To: Department of Human Services (DHS) Certified Child Care
Centers; Department of Human Services (DHS) Certified Group
Child Care Homes (in a Commercial Space); Early Learning
Resource Centers (ELRCs); Office of Child Development and
Early Learning (OCDEL) Staff

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PURPOSE

The purpose of this announcement is to describe the fire safety requirements for Department of Human Services (DHS) certified child care centers and group child care homes (in a commercial space) regulated under 55 Pa. Code Chapters 3270 and 3280.

Announcement C-23-01, Fire Safety Requirements for Group Child Care Homes (in a residence) and Family Child Care Homes and Announcement C-23-02, Fire Safety Requirements for Child Care Centers and Group Child Care Homes (in a Commercial Space), replaces [Announcement C-21-02](#), “Act 62 of 2020 Fire Safety Requirements for Certified Child Care Facilities,” in its entirety.

This announcement contains the following appendix:

- [Appendix B- Fire Safety Regulations: OCDEL Guidance Chart](#)

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BACKGROUND

[Act 62](#) of 2020, signed into law July 14, 2020, amended the Human Services Code at 62 P.S. §1016 by adding subsection (c), which sets forth requirements for fire detection devices in all child care facilities. The amendments to 62 P.S. § 1016 created through Act 62 of 2020 are reflected in the Department's regulations at 55 Pa. Code §3270.95 and §3280.95.

A DHS certified child care center and certified group child care home (in a commercial space) shall be classified under Chapter 3 of the "International Building Code of 2018." Child care centers and group child care homes (in a commercial space) are required to meet all Uniform Construction Code standards for these occupancy classifications as required at 34 Pa. Code § 403.23(d).

The guidance contained in this announcement also applies to school-age programs not located in a school-building pursuant to 55 Pa. Code §3270.241(b)(2) and §3280.221(b)(2).

DISCUSSION

All DHS certified child care centers and group child care homes (in a commercial space) **must** maintain compliance with the applicable fire safety laws contained in the Human Services Code, the Pennsylvania Construction Code, and applicable regulations relating to fire detection devices or systems. Fire detection devices or systems **must always** be operable.

Child Care Centers and Group Child Care Homes (in a commercial space) shall:

Have a valid Certificate of Occupancy
Have a fire detection device or system (i.e. alarm) that is operable and properly maintained at all times in compliance with the Human Services Code (62 P.S. §1016(c)) and the Pennsylvania Construction Code (34 Pa. Code § 403.23(d)) and applicable regulations.
Maintain proof and date of purchase of an interconnected fire detection device or system with the facility's fire drill logs (62 P.S. § 1016(c)(3), 55 Pa. Code § 3270.95, and § 3280.95).

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Manually test all fire detection devices or systems at least once every thirty days and maintain a written record of testing with the facility's fire drill logs (62 P.S. § 1016(c)(1), 55 Pa. Code § 3270.95, and 55 Pa. Code § 3280.95).

If the fire detection device or system **cannot** be tested every thirty days, the facility shall:

- Have the fire detection device or system tested at least annually by a fire safety professional;
- Maintain written documentation of the test results with the facility's fire drill logs; and
- Documentation of the test results must be on the fire safety professional's letterhead. (62 P.S. § 1016(c)(2), 55 Pa. Code § 3270.95, and § 3280.95)).

Demonstrate operability of the system during OCDEL's annual inspection (62 P.S. § 1016(c)(1), 55 Pa. Code § 3270.95, and § 3280.95).

Maintain compliance with its classification under Chapter 3 of the "International Building Code of 2018." The facility shall meet all Uniform Construction Code standards for these occupancy classifications (34 Pa. Code § 403.23(d)).

Maintain compliance with the regulations relating to Exits (55 Pa. Code § 3270.91 and § 3280.91):

- Stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit shall be unobstructed.
- Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances.
- If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.

Child Care Centers shall maintain compliance with the regulation relating to Space Heaters (55 Pa. Code § 3270.92):

- Portable space heaters are not permitted.
- A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.
- A fixed space heater shall be insulated or equipped with protective guards.

Group Child Care Homes (in a Commercial Space) shall maintain compliance with the regulation relating to Space Heaters (55 Pa. Code § 3280.92):

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- Portable space heaters, if allowed by local ordinance, may be used while children are in care, if the units are used in accordance with the manufacturer's operating instructions.
- Fixed and portable space heaters shall be insulated or equipped with protective guards.
- The manufacturer's instructions for use shall be kept in an accessible area in the facility.
- A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.

Maintain compliance with the regulations relating to Fireplaces and woodburning and coal burning stoves (55 Pa. Code § 3270.93 and § 3280.93). Fireplaces, fireplace inserts or woodburning and coal burning stoves, if allowed by local ordinance, shall be securely screened or equipped with protective guards while in use.

Child Care Centers shall maintain compliance with the regulations related to fire safety training (55 Pa. Code §3270.31(e)(4)(ii)):

- Staff persons shall participate, at least annually, in fire safety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire extinguishers, not including discharge of the fire suppressant agent.

Child Care Centers shall maintain compliance with the regulations related to documentation of fire safety training (55 Pa. Code §3270.31(g)):

- Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date professional development was completed. Documentation shall be retained in the facility person's file or maintained in an electronic system as designated by the Department. Documentation of the completion of the professional development under subsection (f) taken from September 30, 2016, forward satisfies this requirement.

The Office of Child Development and Early Learning (OCDEL) shall:

Check the operability of and review the facility records relating to the fire detection device or system to demonstrate facility compliance with fire safety requirements as defined under applicable regulations and construction code requirements.

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Provide notice of any suspected noncompliance to the building code official responsible for enforcing the fire safety requirements under applicable regulations and construction code requirements.

NOTE: OCDEL has updated the fire drill log form with appropriate sections for documenting fire drills and testing of the fire detection device or system monthly. See [Fire Drill and Fire Detection Log](#).

If the DHS certified child care center or group child care home (in a commercial space) is **not** in compliance with any of these requirements, an OCDEL certification representative will issue a citation. If the DHS certified child care center or group child care home (in a commercial space) does **not** have an operable fire detection device or system, smoke detector, or valid certificate of occupancy, a representative of the Department will make a complaint to the building code official responsible for enforcing the fire safety requirements under applicable regulations and construction code requirements as per 62 P.S. § 1016(c)(4).

Requirements During Inspections by OCDEL

All DHS certified child care facilities **must** demonstrate the fire detection device or system is operable when the OCDEL certification representative conducts an annual inspection and may be required to demonstrate the device or system at other inspections. The OCDEL certification representative will be assessing for compliance with all the components of the requirements outlined under the “*Discussion*” section above. If the fire detection device or system cannot be tested or demonstrated as operable due to system design (not lack of functionality), then the facility **must** show the certification representative the documentation of testing by a fire safety professional.

Fire Safety Training Requirement (Child Care Centers Only)

Fire safety training is required for all child care center staff at least annually under 55 Pa. Code §3270.31(e)(4)(ii) and documentation of completion of fire safety training is under 55 Pa. Code §3270.31(g). Staff persons and volunteers **must** receive training in maintenance of smoke detectors; the duties of facility persons during a fire drill and during a fire; and the use of the facility’s fire extinguishers, not including discharge of the fire suppressant agent.

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Fire safety training **must** be conducted by a fire protection professional. In the event that in person training is not available, fire safety training may be obtained online through the [Pennsylvania Professional Development \(PD\) Registry](#) by searching *fire safety training*.

NOTE: Online courses through organizations other than those in the PD registry are not approved to meet the requirements for fire safety training for child care centers.

Noncompliance with Fire Safety Requirements

Non-compliance, verified by OCDEL, will result in a regulatory citation, which could include any or all of the following:

- 55 Pa. Code §§ 3270.95 or 3280.95, relating to fire detection
- 55 Pa. Code §§ 3270.21 or 3280.20, relating to general health and safety, and/or
- 55 Pa. Code §3270.31(e)(4)(ii), relating to fire safety training
- 55 Pa. Code §3270.31(g), relating to documentation of fire safety training
- 55 Pa. Code §3270.91 or 3280.91, relating to exits
- 55 Pa. Code §3270.92 or 3280.92, relating to space heaters
- 55 Pa. Code §3270.93 or 3280.93, relating to fireplaces and woodburning and coal burning stoves.

All DHS certified child care centers and group child care homes (in a Commercial Space) must display compliance with all requirements outlined under the “Discussion” section above. In addition to a regulatory citation for non-compliance, the Department will notify the building code official responsible for enforcing the fire safety requirements. See also

[Appendix B- Fire Safety Regulations: OCDEL Guidance Chart](#) for outline of applicable regulations.

NEXT STEPS

1. Read this Announcement and share it with appropriate staff.
2. Become familiar with the fire safety requirements in your facility with respect to the Human Services Code and Construction Code.
3. Make sure your fire drill and fire detection log meets the requirements of the Human Services Code. See [Fire Drill and Fire Detection Log](#).
4. Complete the necessary fire safety training annually and maintain appropriate documentation in file. **(Child Care Centers Only)**

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Child care facility operators who have comments and questions regarding this announcement should contact the appropriate Regional Office of Child Development and Early Learning:

Central Region 800-222-2117
 Northeast Region 800-222-2108
 Western Region 800-222-2149.
 Southeast Region 800-346-2929

Appendix B- Fire Safety Regulations: OCDEL Guidance Chart (Child Care Centers and Group Child Care Homes (in a Commercial Space))

Citation	Fire Safety Requirement	Measurement of Compliance	Compliance Date
55 Pa. Code §§ 3270.95 or 3280.95	Child Care Facilities in a commercial space (center and group) must have a fire detection device or system (i.e. alarm) that is operable and properly maintained at all times in accordance with 62 P.S. § 1016(c)	The certification representative will verify that the facility has an operable fire detection system.	November 11, 2020
55 Pa. Code §§ 3270.95 or 3280.95	Child care facilities in a commercial space (center and group) must manually test its alarm at least once every 30 days and shall maintain a written record of testing with the facility's fire drill logs in accordance with 62 P.S. § 1016(c)(1).	The certification representative will verify that the facility tests its fire detection system at least once every 30 days by reviewing the written documentation.	November 11, 2020
55 Pa. Code §§ 3270.95 or 3280.95	If the fire detection device cannot be tested every 30 days, the facility shall have the alarm tested at least annually by a fire safety professional. The facility shall maintain, with the facility's fire drill logs,	The certification representative will verify the annual testing by reviewing the test results from a fire safety professional.	November 11, 2020

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	written documentation of the test results. Documentation of the test results must be on the fire safety professional's letterhead. 62 P.S. § 1016(c)(2).		
55 Pa. Code §§ 3270.95 or 3280.95	Child care facilities in a commercial space (center and group) must demonstrate operability of the fire detection system during OCDEL's annual inspection in accordance with 62 P.S. § 1016(c)(1).	The facility will demonstrate the fire detection device by sounding the alarm and the certification representative will verify compliance.	November 11, 2020
55 Pa. Code §§ 3270.95 or 3280.95	Child care facilities in a commercial space (center and group) must keep the proof and date of purchase of an interconnected smoke detector system with the facility's fire drill logs in accordance with 62 P.S. § 1016(c)(3).	The certification representative will check for the proof of purchase.	November 11, 2020
55 Pa. Code §§ 3270.95 or 3280.95	Child care facilities (center and group) must maintain compliance with its classification under Chapter 3 of the "International Building Code of 2018." The facility shall meet all Uniform Construction Code standards for these occupancy classifications. 34 Pa. Code § 403.23(d).	The certification representative will verify a current Certificate of Occupancy (COO)	December 19, 2020
55 Pa. Code §§ 3270.21 or 3280.20	School Age Child Care programs that are not in a school building must comply with the fire safety laws contained in the Human Services Code, 62 P.S. § 1016(c) and 34 Pa. Code § 403.23.	The certification representative will inspect for compliance with applicable laws.	December 19, 2020

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<p>55 Pa. Code §3270.91 or §3280.91</p>	<p>Child care facilities (in a commercial space) must keep stairways, hallways, exits from rooms, exits from the facility and other means of egress serving as an exit unobstructed. Protective gates are permitted, if they open easily and are not disapproved by building codes or local ordinances. If a door or doorway opens or exits directly into a stairwell and if there is no landing beyond the door or doorway, the door shall be restricted from opening or shall be removed and a secure barrier to prevent access to the stairwell shall be erected.</p>	<p>The certification representative will verify that the exits in the facility are compliant with 55 Pa. Code §3270.91 and §3280.91</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3270.92</p>	<p>Child care centers are not permitted to have portable space heaters. Fixed space heaters are permitted if approved for use by a local fire safety professional. Written approval of the installation and written approval for use of a fixed space heater shall be on file at the facility. A fixed space heater shall be insulated or equipped with protective guards.</p>	<p>The certification representative will verify that the child care center does not have portable space heaters and any fixed space heaters have been approved for use by a local fire safety professional and the written approval for installation and use are on file. The certification representative will verify that any fixed space heaters are insulated or equipped with protective guards.</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3280.92</p>	<p>In group child care homes (in a commercial space), portable space heaters, if allowed by local ordinance, may be used while children are in care, if the</p>	<p>The certification representative will verify that portable space heaters are used in accordance with the manufacturer's operating</p>	<p>December 19, 2020</p>

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	<p>units are used in accordance with the manufacturer's operating instructions. Fixed and portable space heaters shall be insulated or equipped with protective guards. The manufacturer's instructions for use shall be kept in an accessible area in the facility.</p> <p>A fixed space heater shall be approved for use by a local fire safety professional. Written approval of the installation and written approval for use shall be on file at the facility.</p>	<p>instructions and are insulated or equipped with protective guards to prevent contact. The certification representative will verify that the manufacturer's instructions are kept in an accessible area of the facility.</p>	
<p>55 Pa. Code §3270.93 or §3280.93</p>	<p>If allowed by local ordinance, child care facilities (in a commercial space) may utilize fireplaces, fireplace inserts, or woodburning and coal burning stoves. While in use, these shall be securely screened or equipped with protective guards.</p>	<p>The certification representative will verify that any fireplace, fireplace insert, or woodburning and coal burning stoves are screened or equipped with protective guards while in use.</p>	<p>December 19, 2020</p>
<p>55 Pa. Code §3270.31(e)(4)(ii)</p>	<p>Staff persons shall participate, at least annually, in fire safety training conducted by a fire protection professional. Staff persons and volunteers shall receive training in maintenance of smoke detectors, the duties of facility persons during a fire drill and during a fire and the use of the facility's fire</p>	<p>The certification representative will verify that staff completed, at least annually, fire safety training conducted by a fire protection professional</p>	<p>December 19, 2020</p>

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	extinguishers, not including discharge of the fire suppressant agent.		
55 Pa. Code §3270.31(g)	<p>Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date professional development was completed. Documentation shall be retained in the facility person's file or maintained in an electronic system as designated by the Department.</p> <p>Documentation of the completion of the professional development under subsection (f) taken from September 30, 2016, forward satisfies this requirement</p>	<p>The certification representative will verify that all child care staff provide documentation and verification of completion of pre-service training and on-going annual professional development retained in the facility person's file or maintained in an electronic system, which is OCDEL's PD Registry.</p> <p>The documentation must include, but not limited to:</p> <ul style="list-style-type: none"> • Signature of representative or trainer of the professional development entity; <ul style="list-style-type: none"> • Title of a representative or trainer of the professional development entity; and • Date professional development training was completed 	December 19, 2020