

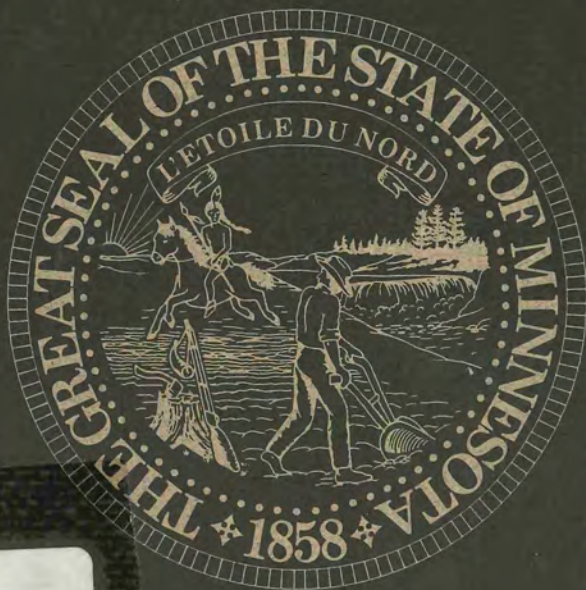


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MINNESOTA

# Department of Administration

## MANAGEMENT ANALYSIS DIVISION



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### Report of the Task Force on **OCCUPANCY STANDARDS for FAMILY and GROUP FAMILY DAY CARE HOMES**

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**Report of the Task Force on  
Occupancy Standards  
for Family and Group  
Family Day Care Homes**

**Prepared by  
Minnesota Department of Administration  
Management Analysis Division  
December 1988**

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**203 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155**

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**Report of the Task Force on  
Occupancy Standards  
for Family and Group  
Family Day Care Homes**

**Introduction**

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# INTRODUCTION

The 1988 Legislature directed the commissioner of administration to establish a task force "to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota" (M.S. 16B.61, Subd. 3[e]). This action was the result of an ongoing debate over the applicability of certain building code requirements to family day care homes for more than 10 children.

## Background

The debate centered on the conflicts and inconsistencies between a variety of state rules, codes and laws:

- MN Rules Chapter 9502, Department of Human Services Licensing of Day Care Facilities, which is commonly referred to as **DHS Rule 2**. These rules set forth the number and ages of children allowed in family and group family day care, along with programmatic and physical space requirements. The revision of DHS Rule 2 in 1986 increased the number of children allowed in family day care to 10, and in group family day care to 14.
- The state **building code**, as authorized by M.S. 16B.59 - 16B.73, and MN Rules Chapter 1305, which adopts by reference the Uniform Building Code as the Minnesota State Building Code. The building code recognizes a home or dwelling unit used for day care purposes by *10 or fewer* children as a Group R Division 3 occupancy (commonly called R-3). This occupancy category is the standard residential category which applies to all newly built homes, remodeled portions of existing homes, and hazardous and substandard residences brought to the attention of a building official. All new or newly remodeled homes, dwelling units or any other buildings used for day care purposes for *more than 10* children are classified as Group E Division 3 occupancy (E-3). This occupancy category is used for educational facilities. Facilities within the E-3 category are required to meet physical structure requirements differing from those required for R-3 residential units, including, but not limited to, handicapped access, signed architect's plans, and two doors leading to the outside from each level.
- The **Fire Code**, M.S. 299F.011, which establishes the Minnesota Uniform Fire Code (MUFC) and incorporates by reference National Fire Protection Association (NFPA) Standard No. 101, commonly referred to as the Life Safety Code.
- The **Human Services Licensing Act**, Minnesota Statutes, Chapter 245A. Section



245A.14, Subd. 3, prevents enforcement of fire safety requirements which exceed the requirements for R-3 residences if those requirements would cost the provider more than \$100. This limits the application of fire code provisions prescribed by the Life Safety Code.

The conflicts between these rules, codes and laws are compounded by the number of parties involved, which includes county licensing agents, the Department of Human Services, local fire officials, the Department of Public Safety State Fire Marshal Division (referred to in this report as the State Fire Marshal), local building officials, the State Building Code Division, family and group family day care providers and provider organizations. Many task force members indicated in the pre-meeting interviews that they were not sure who had authority in what areas, or when requirements applied or did not apply. In addition, there are problems of consistency on the part of fire and building code inspectors and licensers in interpreting and enforcing requirements.

## History

While these areas have been the subject of discussion for some time, the core issue became magnified at the time of the revision hearings for DHS Rule 2. DHS Rule 2 set the maximum limits for children in family day care at 10, and in group family day care at 14. The building code recognized day care for up to six children as a residential day care use under the R-3 category, and regarded all day care for seven or more children as educational facilities under the E-3 category, which must comply with significantly different structural requirements. Providers raised concerns regarding these requirements, and discussions ensued involving providers, representatives of the Department of Human Services and the Department of Administration, the Legislative Commission for Review of Agency Rules, and others. The State Building Code Division undertook a rule change process, and as a result the building code was adjusted in 1987 so that homes providing day care for up to 10 children are recognized in the R-3 category. However, the building code still regards homes caring for 11 to 14 children as educational facilities in the E-3 category.

In the 1988 legislative session, testimony was heard by the Governmental Operations and Health and Human Services committees of both the Minnesota House of Representatives and the Minnesota Senate. The legislative response to the testimony was twofold: the creation of this task force was ordered, and in the same action, the legislature required that:

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

In meeting its charge to "determine occupancy standards specific and appropriate to family and group family day care homes," the task force faced not only the initial



question of whether the building code's E-3 category was an appropriate one for group family day care, but the even more involved second question: If E-3 does not apply, then what should? As discussed later in this report, providers, advocates, fire officials and building code officials were agreed that something more than the current requirements of R-3 are needed to ensure the safety of children in care in group family day care homes. It was as a part of this discussion that the task force included DHS Rule 2, the Human Services Licensing Act and the fire code in order to address existing conflicts and inconsistencies.

## Methodology

In August, the Building Code Division of the Department of Administration began discussions with the Management Analysis Division regarding the staffing and facilitation of the task force. In September, an agreement outlining Management Analysis' role was reached. In October, Administration Commissioner Sandra J. Hale appointed the task force members. Judy Plante and Ellen Moore of Management Analysis interviewed each task force member in person or by telephone to assess the major issue areas and to determine what background information would be needed by task force members prior to the two meetings scheduled for Nov. 7 and 17, 1988. As a result of those interviews, it was apparent that information would be needed comparing the current standards and requirements in the state's building code, fire code and Department of Human Services Rule 2. Research was conducted on the contents of these codes and rules, and a comparative chart was prepared for members, in addition to narrative information which summarized the content of the pertinent documents. In addition, the first morning of the task force meetings included presentation of this material by staff and clarification of points for task force members, so that all members would share a working knowledge of the rules and codes under discussion.

Two task force meetings were held, attended by the 23 task force members and alternates. The meetings were conducted using a structured discussion format, where members outlined the issues on which there was disagreement, consolidated issues into like areas, and selected the order in which to discuss the issues. The members then debated and, in most cases, resolved the issue areas. One member of the task force provided a copy of the video "Firepower," prepared by the National Fire Protection Association, for viewing by the task force. The video helped answer questions from task force members regarding the amount of evacuation time available once a fire has been detected.

This report comprises the results of the two days' discussion. It is solely the product of the task force, and is not an analysis or recommendation by this division. While the task force did not reach unanimity on every item, the recommendations presented in this report reflect the consensus of the members. Part 1 of this report addresses occupancy standards. The 17 recommendations of the task force are presented, each followed by a brief summary of the task force discussion of the issue at hand. Part 2 is a general discussion of barriers to establishing day care in rural areas.

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**Report of the Task Force on  
Occupancy Standards  
for Family and Group  
Family Day Care Homes**

**Part 1.**  
**Occupancy Standards  
for Day Care Homes**

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## OCCUPANCY STANDARDS:

### Applicability of E-3 building code standards

The first and major discussion of the task force members regarded the applicability of the state building code's E-3 standards for educational occupancies to group family day care homes caring for more than 10 children. Under the terms of the building code, the threshold is 11 occupants for inclusion under E-3 standards (which, because they apply to educational occupancies, have different and more stringent requirements than those for residences). The discussion of task force members centered on whether E-3 requirements are reasonable and appropriate for home day care.

1. The task force recommends that the legislature permanently enact into law the temporary legislative requirement that the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the Department of Human Services under Minnesota Rules, Chapter 9502.

The E-3 standards are based on the Uniform Building Code and are adopted by reference by the state of Minnesota. These standards were designed specifically for educational occupancies, not for typical single-family dwellings or apartment buildings. Currently, the state building code requirements for E-3 cannot be applied to family day care homes, because of the legislature's specific prohibition of this enforcement.

In discussion, the task force members agreed that the E-3 standards are inappropriate for family day care homes, specifically with regard to requirements which would result in major structural changes to homes. However, the task force members agreed that the E-3 standards are appropriate for child care centers and as such should remain unchanged.

Having agreed that E-3 standards are not appropriate for family or group family day care homes, the task force further agreed that the state building code's R-3 requirements, which govern residential structures, are not sufficient for group family day care homes, specifically in the area of fire safety. Providers, advocates, fire officials and building code officials were agreed on the need for standards in excess of the current requirements of R-3 to address the additional need posed by the increased number of children in group family day care homes.



## OCCUPANCY STANDARDS:

### Recommended additional requirements

The task force assembled a list of issues which needed to be addressed over and above the basic requirements of the R-3 category. Most of the issues concerned fire safety — specific fire safety requirements, fire safety education, and enforcement and inspection. The underlying theme was the need to ensure that each group family day care home be made as safe as possible, balanced with the concern that stringent, inflexible requirements would drive some providers out of the day care business or into underground, illegal, unlicensed care. Issues of cost and related benefit were discussed at length. A few of the issues (the status of sliding glass doors as an exit, whether double-deadbolt locks should be allowed) could not be resolved, and the task force recommended further activity in those areas.

### Specific fire safety requirements

2. The task force recommends that the legislature strike the provision from the Human Services Licensing Act which prevents fire inspectors from enforcing a safety provision beyond that required for R-3 occupancies if the alteration costs more than \$100.

This restriction prevents enforcement of some basic fire safety measures, and places a dollar value on safety. The task force members noted that, even if this provision is stricken, providers who cannot afford a required alteration could obtain a conditional license from the Department of Human Services, which would restrict the use of certain areas deemed unsafe, but would not bar the provider from providing child care in the home.

3. The task force recommends that sprinkler systems be included as an equivalent to current fire safety measures where appropriate.

“Equivalent” in this sense means as an alternative to, or in place of, some other requirements. A sprinkler system would *not* be required, but a provider would be able to install one as an alternative to some fire safety requirements.

4. The task force recommends that hard-wired, interconnected smoke detectors be required in new group family day care homes licensed for more than 10 children.

The recommendation also states that existing group family day care homes licensed for more than 10 children should be required to have them in place one or two years



from the first relicensing visit after the requirement takes effect. Members were not in agreement on the implementation period, with a slight majority favoring the one-year "grandfathering" term. Hardwired smoke detectors are connected to the electrical system, and have been required by the building code in all new homes built since 1979. An interconnected system activates smoke detector alarms on all levels at the same time. In the discussion, concerns were raised about installation costs. Estimates made by task force members ranged from \$100 to \$250 per home.

- 5. The task force recommends that Department of Human Services Rule 2 be changed to limit the number of children allowed on the second floor when there are not two exits (as defined by the building code) from those levels.**

It was noted that this is largely an issue of consistency of enforcement and licensure: there would be no additional requirements in terms of cost or structural change, but there would be more specificity in delineating the areas of the home in which child care could be provided. The number and type of required exits from main floors and second floors were discussed. According to the building code, the number of required exits is determined by the number of total occupants, not necessarily the licensed capacity. The second floor of a family or group family day care home licensed for nine or more children must have two means of exit (defined as doors by the building code). Providers would be restricted from allowing 10 or more people on the second floor unless there were two exits, one of which would have to be a door and stairway leading directly to the outside. The problem is that homes may not have the required number of exits from the second floor as required by the building code, and yet could be licensed for 10 or more children. The result of the recommendation would be to bring Rule 2 into closer conformance with existing R-3 requirements.

- 6. The task force recommends that there be further study and action by the State Fire Marshal's Code Advisory Panel to determine the acceptability of sliding glass doors as exits for group family day care homes.**

Many homes currently licensed for day care have a sliding glass door as an exit. In most new construction, sliding glass doors are the norm and are regarded as an exit. However, there is a discrepancy between the building code, which does not recognize sliding glass doors as an acceptable exit when the occupancy load of a dwelling reaches more than 10, and the fire code, which accepts sliding glass doors as an exit.

- 7. The task force recommends that no changes be made to the requirement for vertical separations between floors, as long as equivalencies may be utilized at the discretion of the fire inspectors.**

Currently, Department of Human Services Rule 2 and the fire code require a vertical separation (a 1-3/4-inch solid-core door with a self-closer, at the top of a stairway) at the lowest level, that is, between the basement and the first floor, when the provider is licensed for more than 10 children and more than two levels. This requirement creates problems in split-level homes where stairways are not enclosed. Task force members favored utilizing sprinkler systems or other equivalencies in lieu of the vertical separation in homes where it would be a problem.



- 8. The task force strongly recommends that licensing agents request a fire drill demonstration as part of a licensing inspection, and that fire inspectors include a practice drill as part of a safety inspection.**

Providers are currently required to conduct monthly drills (one for storm, one for fire), to log the date of the drill, and to have written planned escape routes for each room used by the children. The log and escape plans are reviewed each year by the licensing inspector. Task force members felt strongly that providers should be required to demonstrate the drill for the inspector at the time of the licensing inspection. Members felt that it would be ideal to have the drill performed with a fire inspector present, but recognized that the current lack of fire inspection resources makes this infeasible. No rule changes are recommended at this time.

- 9. The task force recommends that no changes be made to fire extinguisher requirements.**

Currently, both Department of Human Services Rule 2 and the fire code require that a fire extinguisher be kept in the kitchen and cooking areas at all times. The task force discussed the merits of requiring an extinguisher on each floor, but fire inspectors stated a preference for all occupants to leave the home immediately if there is a fire and let the fire department deal with it.

### **Fire safety education**

- 10. The task force recommends that two hours of fire safety education be required of *all* family day care providers, including family and group family day care providers.**

There are no present specific requirements for fire safety education for providers. The recommended two-hour requirement would be in addition to the yearly in-service training of a more general nature already required of family day care and group family day care providers. The training would focus on identification of fire hazards and effective fire safety and evacuation procedures. One hour of refresher training would be required each year, similar to CPR refresher courses.

- 11. The task force recommends that funds be appropriated to the State Fire Marshal's Office to hire a full-time fire safety educator whose primary responsibility would be to train and educate child care personnel in fire safety issues and survival skills.**

This position would have responsibility for developing an education program for day care providers. Task force members discussed the possibility of a training video on fire safety jointly developed by the State Fire Marshal and the Department of Human Services, which would convey to providers statewide a uniform and consistent message on fire safety requirements.

- 12. The task force recommends that the Department of Human Services, the State Fire Marshal and other responsible parties develop a handbook for family day care providers.**



The handbook should include a step-by-step guide to the licensing and inspection processes, information on what an inspector looks for, and a list of modifications within the limits of current requirements.

**13. The task force recommends that the Department of Human Services develop materials for parent information and education.**

Such materials should include information on what to look for in a family day care home and the advantages of licensed homes.

**14. The task force recommends that the State Fire Marshal's Office train local fire inspectors and fire marshals, to eliminate inconsistencies in inspections and enforcement.**

**15. The task force recommends that grants be made to providers and/or provider groups to cover training expenses and the cost of meeting safety requirements.**

### **Enforcement and inspections**

**16. The task force strongly recommends that the legislature approve an increase in staff for the State Fire Marshal's Office and creation of a child care inspection team.**

Task force members discussed problems of statewide consistency in enforcement and inspections, including differing, conflicting regulations and jurisdiction questions. Providers are unsure what regulations apply and under what circumstances. There is no guidebook for providers, and no central information source. There are few resources for fire inspections; these are sometimes handled by county licensers by default, due to lack of local fire inspection staff.

The task force agreed that the State Fire Marshal has the leading role in achieving consistency among localities doing their own inspections, and in conducting inspections of new licensed homes when the localities do not. However, there is limited staff available to handle any increased responsibilities for day care homes. The task force discussed a current budget change request which would increase the number of State Fire Marshal's staff by five: four inspectors and one clerical support employee to form a child care inspection team. This team would be similar to two existing state-level teams that inspect hospital/nursing homes and hotels/motels/resorts. Creation of this team would improve consistency statewide, because the same four inspectors would inspect all child care homes and centers in jurisdictions that have opted not to do their own fire code inspections (the majority of the state).

**17. The task force recommends that Department of Human Services Rule 2 be changed to state that, in matters of fire safety, Human Services will defer to the Department of Public Safety, that Public Safety's State Fire Marshal's Office be responsible for codifying and enforcing the changes recommended by the task force, and that national consensus standards with appropriate equivalency**



"myths" about family day care providers and to talk about the needs of family day care providers.

- Encourage manufacturers of fire safety systems to offer discounts to providers or provider groups.

### Summary of suggested legislative action

The task force offers several suggestions for amendments to state law:

- Permanently enact into law the temporary requirement that the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the Department of Human Services under Minnesota Rules, Chapter 9502.
- Delete the Human Services Licensing Act provision which prevents fire inspectors from enforcing a safety provision beyond that required for R-3 occupancies if compliance would cost more than \$100.
- Direct the Department of Human Services to include by rule those recommendations of the task force as are appropriate, and to defer in rule to the Department of Public Safety's State Fire Marshal's Office in matters of fire safety.
- Direct the State Fire Marshal's Office to codify those recommendations of the task force which pertain to fire safety and to utilize national consensus standards as a basis for determining appropriate equivalencies which would ensure fire safety for the children in care.



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**Report of the Task Force on  
Occupancy Standards  
for Family and Group  
Family Day Care Homes**

**Part 2.  
Barriers to Establishing  
Child Care Facilities  
in Rural Areas**

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## **RURAL BARRIERS:**

### **Potential problems for child care**

The second charge of the task force was to determine barriers to establishing child care facilities in rural areas. Task force members generated a lengthy list of potential problems, which are categorized in the sections below. However, some task force members suggested that further investigation would be needed to ascertain the degree of severity of the problems identified, and to determine the best solutions to the problems.

#### **Education issues**

The first group of barriers is characterized as education issues, that is, barriers to licensed child care that are built on misinformation, lack of information and stereotypes.

1. Parents may be choosing unlicensed care options because they don't know the quality indicators in family day care and day care centers or the benefits of licensed programs.
2. There may be a difference in the way parents view providers in rural areas, since they may have known the providers all their lives. They may limit their basis for selection to the person, not considering the quality of the home or the person's professional capabilities. This limited view can be coupled with the attitude that a caregiver/provider is "just a babysitter."
3. There is a negative licensing "myth." Unlicensed providers have heard many horror stories about the licensing process. In addition, there can be an aversion to regulation, seen by some as an infringement on their personal rights.

#### **Provider issues**

A second set of barriers includes those that discourage potential providers. Many factors unique to rural areas create disincentives to starting a family day care home or center.

4. Providers are isolated geographically. Distance limits the support available from other providers. In addition, there is pressure to overextend or overload when the provider is the "only show in town." Hours may be longer for non-metro providers because of longer commuting times for parents. Alternative forms of child care are lacking in many areas.



5. Prevailing stereotypes may mean a lack of community support for a child care business. Parents may consider a caregiver/provider as "just a babysitter." Providers' spouses also may hold this attitude. Providers tend to have a low community status.
6. There are environmental hazards unique to rural areas: lakes, outbuildings, farm machinery, vast open space, less control over road conditions in difficult weather, longer response time in case of emergency.
7. Support networks are limited. Overloaded licensing agents cannot always be available, and the above-mentioned isolation of providers from each other means there is no one to turn to.
8. There is little or no disincentive to being unlicensed. In some areas of the state, the licensing agent has too little time to monitor the licensed homes, much less identify unlicensed homes.

### **Financial issues**

The last set of barriers is related to the cost of providing child care and the relatively low profit margin that results.

9. The licensing "myth" includes exaggerated claims about licensing costs, a possible deterrent to potential licensees.
10. The combination of low pay, low community status and long hours is a disincentive.
11. Start-up costs can be a problem, since rural structures are likely to be older and in need of more alterations to comply with various codes. For example, some providers may have to alter their septic systems, which were not designed for the amount of use a day care home would give them.



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**Report of the Task Force on  
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**Appendices**

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## LANGUAGE OF THE AUTHORIZING LEGISLATION

**T**he commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

— Laws of Minnesota 1988, Chapter 608  
Section 1, Subdivision 3(e)



## TASK FORCE MEMBERS AND ALTERNATES

**Don Amey, St. Paul**, has been a building code inspector for the city of St. Paul since 1982. In this capacity, he has inspected and certified a number of day care centers.

**Sue Bergeron, St. Paul**, has been a fire inspector for the St. Paul Fire Department since 1984. Prior to that, she was a health educator for the St. Paul Health Department. As a fire inspector, she has inspected numerous family day care homes and centers and has delivered presentations on fire safety to a variety of age groups.

**Shirley Bosch, Willmar**, has been a social worker for Kandiyohi County Family Services for 15 years. She has worked in child protection and does direct counseling with individuals and couples as well as family day care licensing. She is the current past president of the Minnesota Association of Family Child Care Licensors and has served on a number of state committees and task forces, including the Governor's Task Force for the Development of Rule 2.

**Thomas R. Brace, St. Paul**, is the Minnesota State Fire Marshal. Prior to coming to Minnesota in March 1987, he had served in a similar capacity in the state of Washington since 1977. He has served as president of the International Association of Arson Investigators and the Northwest Burn Foundation, and as assistant editor of *The Fire and Arson Investigator*. He is a member of the Fire Marshals Association of North America, the International Association of Building Officials, the International Association of Fire Chiefs and the National Fire Protection Association.

**Patrick Coughlin, Richfield**, has been fire chief of the city of Richfield since 1979. He has represented the Minnesota Fire Chiefs Association in testimony on code revisions and other matters related to family day care homes. He has participated in revisions of the Uniform Fire Code at both state and national levels and publishes a national newsletter on fire codes, *The Code Reporter*.

**Marshella Deike, Moorhead**, has been a licensed family day care provider since 1985. She is currently licensed to care for 10 children from infancy to school age. She is a member of the Clay County Family Day Care Association and county representative to the Minnesota Licensed Child Care Association. She is the mother of three children, ages 1, 2 and 4.

**Barb Eggiman (alternate for Jim Loving), St. Paul**, is a specialist for family care systems in the Licensing and Community Services Division of the Minnesota Department of Human Services.

**Gary Fine, St. Paul**, is a professor of sociology at the University of Minnesota, and was appointed to the task force as a consumer representative.

**Jan Gasterland, St. Paul**, is the building code official for the city of St. Paul, and



director of the Building Inspection and Design Division. From 1968 to 1985, he served in a variety of related capacities for the city of Bloomington, including fire inspector, building inspector, plan checker and building official. He is director of the International Conference of Building Officials and a member of the Western Fire Chiefs Association Uniform Fire Code Committee. He is also on the correlating committee for the Uniform Building Code and the Uniform Fire Code. He has been an active member of the Bloomington Volunteer Fire Department for 19 years.

**Richard Hauck, St. Paul**, has been a supervisor in the Minnesota Department of Administration's State Building Code Division since 1972. He currently supervises the Manufactured Structures Section. Prior to joining the state, he was a building official for the city of Blaine for seven years and worked for an architectural firm before that. He is a member of the Norstar chapter of the International Conference of Building Officials.

**Robert Imholte (alternate for Tom Brace), Cold Spring**, is supervisor, deputy state fire marshal for code development and training. He has been with the Minnesota State Fire Marshal's Office, Department of Public Safety, since 1975. He chairs the State Fire Marshal Code Advisory Panel and the State Fire Marshal Uniform Fire Code Committee. Previously, he was a firefighter and fire inspector for the St. Cloud Fire Department.

**Dixie Johnson, Eden Prairie**, has been a group family child care provider for nearly four years. Prior to that, she was a registered nurse for nine years, serving as a critical care unit charge nurse responsible for supervisory and administrative tasks. In 1985, she founded Prairie Home Child Care Professionals, an organization of licensed child care providers in Eden Prairie. She is serving her second two-year term on the Eden Prairie Community Education Advisory Council and sits on the program and marketing committees. She is also a community education instructor for two school districts and teaches parent-child and day care management classes. She is a board member of the Greater Minneapolis Day Care Association.

**Mary Lou Johnson, Minneapolis**, has been a family day care licensing consultant and training coordinator for Hennepin County for 14 years. She has served on a number of committees and task forces, including the Department of Human Services Rule 2 revision committee, the 1987 Task Force of the Minnesota Council on Children, Youth and Families, and the 1986 House State Task Force on Health and Human Services. She is president of the Minnesota Association of Family Child Care Licensors.

**Cynthia Kelley, Minneapolis**, is director of family day care services for the Greater Minneapolis Day Care Association, where she coordinates a variety of services for family child care providers and is involved in advocacy efforts on their behalf and in advising providers on licensing issues. Prior to joining the association, she was a family child care provider for 6-1/2 years and was active in organizing training opportunities and coordinating information-sharing among providers in her neighborhood. She also served on the committee to review proposals from providers for Community Development Block Grant funds.



**Jim Loving, St. Paul**, is acting director of the Licensing and Community Services Division of the Minnesota Department of Human Services. He has been with the department since 1984.

**Dennis Manning, Rochester**, is a building official in the Olmsted County Public Works Department. He has held code enforcement-related positions for 11 years.

**Lisa Monson-Hokenson, Minneapolis**, has been a licensed family child care provider for five years. She has also held a group family day care license. She is a captain in the Army Reserves and a member of the Adults' and Children's Alliance. She has served on the Mini-Grant Review Committee of the Greater Minneapolis Day Care Association.

**Mary Nachbar, Minnetonka**, has been a fire marshal and firefighter for 10 years for the city of Minnetonka. She is president of the Minnesota Chapter of the International Association of Arson Investigators and chairs the Governor's Council on Fire Prevention and Control. She is a former vice president of the Fire Marshals Association of Minnesota. She is a representative for the National Fire Protection Association's "Learn Not to Burn" program, and has served for nine years as co-chair of the Minnesota Fire Safety Education Conference.

**Barbara O'Sullivan, St. Paul**, is director of educational services for Resources for Child Caring and president-elect of the Minnesota Association for the Education of Young Children. She also coordinates the promotion of the National Association for the Education of Young Children's program to accredit early childhood programs. She is a former child care center director and serves on the steering committee of Child Care WORKS.

**Lester Peterson, Isanti**, has been chief of the Isanti Volunteer Fire Department since 1973 and the city's certified building code official and zoning administrator since 1974. He is also the Isanti city clerk/administrator, a position he has held since 1980. He is a member of the Minnesota State Fire Chiefs Association, the Governor's Council on Fire Prevention and Control, and the International Conference of Building Officials.

**Kathy Pool, Dassel**, has been a licensed family child care provider for five years. She holds a group family day care license and is licensed to care for 14 children. She is president of the Minnesota Licensed Family Child Care Association and started a Meeker County chapter of that organization. She is the mother of two children, ages 8 and 5.

**Lynette Waldenberger (alternate for Dixie Johnson), St. Louis Park**, has been a licensed family child care provider for eight years and has held a group family day care license for six of those years. She cares for 8 to 14 children ranging in age from 1-1/2 to 10 years. She is also consultant for Hennepin County, providing information to prospective providers on policies, taxes, record-keeping and setting up a family child care facility. She has developed and taught courses on curriculum development and professionalism for family child care providers. She is a member of the Adults' and Children's Alliance, the Greater Minneapolis Day Care Association's advisory

board and a day care neighborhood support group.

**Pat Whitcomb, Minneapolis**, has been a licensed family child care provider for six years. She has had a group family day care license for 1-1/2 years and is licensed to care for 10 children. She is a member of the Adults' and Children's Alliance and the Greater Minneapolis Day Care Association's advisory board. She is also the co-contact person for licensed providers in her area.



## COMPARISON OF REQUIREMENTS FOR FAMILY AND GROUP FAMILY DAY CARE HOMES

This chart was developed after a careful review of the codes and rules governing family day care homes. The chart was designed to highlight the differences and similarities between the various rules and as such only briefly summarizes the requirements.

<u>Requirement</u>	<u>E-3 Occupancies</u>	<u>R-3 Occupancies*</u>	<u>DHS Rule 2</u>	<u>Fire Code</u>
Number of children	More than 10	Up to and including 10	FDC: up to 10 Group FDC: 11-14	FDC: up to 10 Group FDC: 11-14
Architect's Plans and Specifications	Required	None	None	None
Automatic Alarms	None	None	None	None
Decks	UBC Section 1711 (guardrails)	UBC Section 1711 (guardrails)	Some must have protective guardrail and be constructed to the building code if used by children (UBC Section 1711)	None
Electrical Wiring	Must comply with the current electrical code	Must comply with the current electrical code	Varied requirements	Varied requirements similar to Rule 2
Exits	Two doors from each level; window not acceptable; sliding glass doors not acceptable	At least one exit required; basement with less than 10 people, one; as of Spring, 1989, escape window in basement for new construction	Two from each room; window acceptable	Two from each room; window acceptable
Extinguisher	None	None	One	One
Fire Drills and Escape Plans	None	None	Monthly drills, written escape plans	None

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\* Applies only to new homes, remodeled portions of existing homes, changes in use, and substandard and hazardous buildings

<u>Requirement</u>	<u>E-3 Occupancies</u>	<u>R-3 Occupancies*</u>	<u>DHS Rule 2</u>	<u>Fire Code</u>
Handicapped Access	Required	None	None	None
Heating Systems	Installed to the mechanical code	Capable of maintaining a room temperature of 70 degrees Fahrenheit	Varied requirements; some references to building code for wood stoves and other heating elements	Varied requirements similar to Rule 2
Interior Wall and Ceiling Finishes	Flame spread rating of 200 or less	Flame spread rating of 200 or less	Flame spread rating of 200 or less	Class A, B, or C
Light, Ventilation and Sanitation	Natural or artificial light and ventilation permitted; separate bathrooms for boys and girls	Natural or artificial light and ventilation permitted; separate bathrooms not required	Must meet requirements of State Building Code	Must meet requirements of State Building Code
Location on Property	Must front street 20 feet wide; access to street must be 20 feet wide	Restrictions only for new construction	None	None
Locks and Latches/Doors	Requirements beyond Rule 2 and fire code	Varied requirements similar to Rule 2 and Fire Code	Children must be able to open closet doors from inside; bathroom door locks must permit opening of locked door from outside; double cylinder dead bolt locks prohibited**	Varied requirements similar to Rule 2; double cylinder dead bolt locks prohibited
Occupancy Separations (Attached Garage)	One-hour fire door and separation wall	1-3/8"-thick solid wood door; 5/8" fire code gypsum wall board on garage side	1-3/8"-thick solid wood door; 5/8" fire code gypsum wall board on garage side	1-3/8"-thick solid wood door; 5/8" fire code gypsum wall board on garage side

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\*\* Laws of Minnesota, 1988; Chapter 608, Sec. 1, Subd. 3(h). The Department of Human Services is currently granting variances to this requirement.



<u>Requirement</u>	<u>E-3 Occupancies</u>	<u>R-3 Occupancies*</u>	<u>DHS Rule 2</u>	<u>Fire Code</u>
Second Story Use	Two exits directly to the outside and a sprinkler system throughout the building	One exit per room and escape/rescue windows from sleeping rooms	Rooms used must meet exit requirements above; (see page 1)	Rooms used must meet exit requirements above; (see page 1)
Sewage Disposal	As per local ordinance	As per local ordinance	As per local ordinance	None
Shaft Enclosures	May be some requirements	None	None	None
Smoke Detectors	No requirements	One on each sleeping level; one on lowest level; must be hard-wired in all homes built after 1979	One on each level	One on each level
Sprinklers	Required if second story is used or if basement over 1,500 square feet is used	None	None	None
Stairways	Requirements beyond Rule 2 and fire code	Varied requirements similar to Rule 2	Handrails, guardrails	Handrails, guardrails; enclosure of usable space under stairs
Storage and Janitor Closets	One-hour fire separation required	None	None	None
Fire Resistive Separations Between Floor Levels	Solid wood doors between floors when more than 2 levels are open and between basement and first story	None	Solid wood doors between floors in homes of more than 2 stories and licensed for more than 10 children	Solid wood doors between floors in homes of more than 2 stories and licensed for more than 10 children
Water Hazards	None	None	Restrictions on use of swimming and wading pools	None