



May 12, 2026

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Via email: CBSC@dgs.ca.gov

Re: Public Comment on Proposed Action re: 2025 Fire Code

Dear Commission Members,

Head Start California is the nonprofit association that represents California's 138 Head Start providers. Collectively, our members serve over 70,000 children across more than 1,500 individual Head Start centers throughout the state – plus many tens of thousands more children through other funding sources. Over the last year, several of our board and staff members have served as members of the Office of the State Fire Marshal's Childcare Center Workgroup.

I write today in support of the workgroup proposals presented for your consideration as subitems 1-2 and 1-11, and item 2 on the January 2026 Initial Statements of Reasons for Title 24, Part 2 and Part 9, and sub-items 1-2, 1-11, and item 2 on the March 2026 Initial Statement of Reasons for Title 24, Part 9. The proposals were carefully developed and agreed upon by representatives of childcare providers, local fire marshals, the Office of the State Fire Marshal (OSFM), and the California Department of Social Services (CDSS). They are consistent with the legislative intent of AB & SB 176 (2024), which required OSFM to promulgate regulations pertaining to occupancy standards for daycares in consultation with the CDSS. They will ensure children's safety while maintaining the ability of childcare providers to operate.

While we support the proposals presented herein, we note that additional recommendations made by the workgroup were not included for the Commission's consideration. We respectfully request that the workgroup's full recommendations, including proposed changes to Chapters 1 and 4 of Title 22 be considered. The full recommendations are attached hereto for reference, with the omitted items being on pages 8 through 12 of the PDF. The recommendations were developed as a cumulative package and the omitted portions further support children's safety, California's mixed-delivery childcare system, and the legislative intent of AB & SB 176.

We appreciate your consideration of these important recommendations. Please do not hesitate to reach out should you have any questions.

Cheers,

A handwritten signature in blue ink, appearing to read "Melanee".

Melanee Cottrill,
Executive Director
melanee@headstartca.org
916-926-8165

**Child Care Center Work Group Sub-
group – Definition Proposals Final
Draft 10/01/2025**

Title 24, CBC/CFC

**Chapter 2 Definitions
Section 202**

General Purpose;

Proposes modification to defined terms to align with statute.

ITEM 1:

CHILD CARE CENTER. Any facility of any capacity other than a large or small family ~~day~~ child-care home as defined in these regulations in which less than 24-hours-per-day nonmedical supervision is provided for children in a group setting.

PURPOSE and RATIONALE: Although the Health and Safety Code (HSC) frequently refers to “day care” or “daycare”, Title 22 California Code of Regulations (22 CCR) established a preference to refer to the care of children as “child care.” To create cohesiveness between Title 22 and Title 24 regulations, “family day care homes” should be referred to as “family child care homes.” Furthermore, by making a clear differentiation, when possible, between the use of “day care” and “child care,” it will help reduce any confusion that may have been caused by using “day care” to describe other types of care, such as adult day care.

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

ITEM 2:

~~DAY~~ CHILD-CARE HOME, FAMILY. A home that regularly provides care, protection and supervision for 14 or fewer children, in the providers own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family ~~day~~ child-care home or a small family ~~day~~ child-care home.

PURPOSE and RATIONALE: Although the HSC frequently refers to “day care” or “daycare”, Title 22 CCR established a preference to refer to the care of children as “child care.” To create cohesiveness between Title 22 and Title 24 regulations, “family

day care homes” should be referred to as “family child care homes.” Furthermore, by making a clear differentiation, when possible, between the use of “day care” and “child care,” it will help reduce any confusion that may have been caused by using “day care” to describe other types of care, such as adult day care.

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

ITEM 3:

DAY CHILD-CARE HOME, LARGE FAMILY. A provider’s own home which is licensed to provide day child care for periods less than 24 hours per day for up to 12 or nine to 14 children ~~persons~~, including children under the age of 10 who reside at the home.

PURPOSE and RATIONALE: Although the HSC frequently refers to “day care” or “daycare”, 22 CCR established a preference to refer to the care of children as “child care.” To create cohesiveness between Title 22 and Title 24 regulations, “family day care homes” should be referred to as “family child care homes.” Furthermore, by making a clear differentiation, when possible, between the use of “day care” and “child care,” it will help reduce any confusion that may have been caused by using “day care” to describe other types of care, such as adult day care.

The number of children in care for a large family child care home may not exceed 12 children, unless the requirements of Title 22 CCR section 102416.5(d) are met, in which case, the home may care for up to 14 children. Additionally, verbiage changed from “persons” to “children” as family child care homes only provide care for children and the licensee/assistant(s) should not be included in the census.

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

ITEM 4:

DAY CHILD-CARE HOME, SMALL FAMILY. A provider’s own home which is licensed to provides family day child-care to eight or fewer children, including children under the age of 10 years who reside at the home, ~~in the providers own home~~, for periods of less than 24 hours per day. Small family day child-care homes are exempted from state fire and life safety regulations other than those state and local standards applicable to Group R-3 occupancies. (See Health and Safety Code, Section 13143 (b).)

PURPOSE and RATIONALE: Although the HSC frequently refers to “day care” or “daycare”, Title 22 CCR established a preference to refer to the care of children as

“child care.” To create cohesiveness between Title 22 and Title 24 regulations, “family day care homes” should be referred to as “family child care homes.” Furthermore, by making a clear differentiation, when possible, between the use of “day care” and “child care,” it will help reduce any confusion that may have been caused by using “day care” to describe multiple types of care, such as adult day care.

Minor revisions to the verbiage that is utilized in the definition to maintain consistency in both definitions of small and large family child care homes.

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

ITEM 5:

~~**INFANT.** Any child who because of age only, is unable to walk and requires the aid of another person to evacuate building. In no case shall the term “infant” mean a A child under 2 years of age. or older.~~

PURPOSE and RATIONALE: Recommendation to remove the first sentence of the current infant definition. Infants meet developmental milestones at varying rates and for many infants, the ability to walk is developed before the age of two years old. Due to this, it does not seem suitable for the definition to include that infants, due to age only, are unable to walk. Furthermore, the basis for including the evacuation specifications within the definition of infants is not clear.

Additionally, an amendment should be made to the second sentence of the infant definition to indicate that an infant is a child under two years of age, rather than stating what an infant is not. The proposed definition amendment aligns with the definition of infant as defined in Title 22 CCR Section 101152(i)(1) and Title 22 CCR Section 102352(i).

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

Note to SFM: Coordination with Department of Health Care Access and Information/ Office of Statewide Health Planning and Development should occur to confirm if the first sentence of the original infant definition is required.

ITEM 6:

PLACE OF PUBLIC ACCOMMODATION. A facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

...

(11) An adult day-care center, child care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment;

PURPOSE and RATIONALE: An amendment should be made to category 11 of the places of public accommodation to add a “child care center.” In alignment with the differentiation of “day care” and “child care,” both day care center (which would include an adult day care center) and child care center should be separately indicated as places of public accommodation. Consideration for adding verbiage to specify that a day-care center is for the care of adults, rather than children.

The proposed amendments are in accordance with AB 176 and are intended to provide the State Fire Marshal with recommendations for code change proposals to address the occupancy classification provisions for child care centers. The recommended changes do not materially alter the substance or intent of the currently existing code.

Note to SFM: Coordination with the Division of State Architect Access Compliance (DSA-AC) is recommended to confirm that the proposed change still meets DSA-AC requirements.

Work Group Poll –

Item 1, 2, 6 Consensus “Agree/In support”

Disagree- 0

Needs further study – 3

Agree– 36

Item 3 Consensus “Agree/In support”

Disagree- 7

Needs further study – 5

Agree– 32

Item 4 Consensus “Agree/In support”

Disagree- 5

Needs further study – 11

Agree– 31

Item 5 Consensus “Agree/In support”

Disagree- 3

Needs further study – 7

Agree– 43

Child Care Center Work Group

**Sub-group – Chapter 3-Occupancy Classification Proposals Final
Draft 10/01/2025**

Title 24, CBC/CFC

Chapter 3-Occupancy Classification

ITEM 1:

305.2 Group E, *child-care facilities*.

This group includes buildings and structures or portions thereof occupied by more than six children *36 months* of age *and older* who receive educational, supervision or personal care services for fewer than 24 hours per day. *Infants and toddlers are allowed in a Group E child care when the facility complies with California Building Code Section 308.5.1.*

Exception: [SFM] A building or structure that does not meet the requirements of California Building Code Section 308.5.1 or a A child-care facility not otherwise classified a Group R-3 occupancy, where occupants are not capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group I-4. ~~Infants and toddlers are allowed in a Group E child care when the facility complies with California Building Code Section 305.2.1, 305.2.2, 305.2.3 or 308.5.1.~~

305.2.1 Within places of religious worship.

Rooms and spaces within places of religious worship providing such child care during religious functions shall be classified as part of the primary occupancy *where not licensed for child-care purposes by the Department of Social Services.*

305.2.2 Six ~~Five~~ or fewer children.

A facility having six ~~five~~ or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Six ~~Five~~ or fewer children in a dwelling unit.

A facility such as the above within a dwelling unit and having six ~~five~~ or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *California Residential Code*.

PURPOSE and RATIONALE:

ITEM 2:

308.5 Institutional Group I-4, day care facilities.

Institutional Group I-4 occupancy shall include buildings and structures, and portions thereof, occupied by more than *six clients* of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians; relatives by blood, marriage or adoption; and in a place other than the home of the *clients* cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care (*not classified as Group E*)

308.5.1 Classification as Group E.

A child day care facility that provides care for more than *six* but not more than 100 children *under 36 months of age*, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

308.5.1.1 Special provisions.

See Section 452.1.4 of the California Building Code for child care locations above or below the first story.

308.5.2 Within a place of religious worship.

Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy where not licensed for child-care purposes by the Department of Social Services. licensed by the California State Department Health Services as required by Health and Safety Code Division 2 Chapter 3.5.

308.5.3 Six Five or fewer persons receiving care.

A facility having six-five or fewer persons receiving such day care shall be classified as part of the primary occupancy custodial care shall be ~~licensed pursuant to Health and Safety Code Division 2 Chapter 3.5 or 3.6.~~

308.5.4 Six or fewer persons receiving care in a dwelling unit.

A facility such as the above within a dwelling unit and having six or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy, ~~where occupants are not capable of responding to an emergency situation without physical assistance from the staff shall be classified as a Group I-4.~~

PURPOSE and RATIONALE:

Work Group Poll –

Item 1 Consensus “Agree/In support”
Disagree- 3
Needs further study – 5
Agree– 25

Item 2 Consensus “Agree/In support”
Disagree- 5
Needs further study – 10
Agree– 31

Child Care Center Work Group

Sub-group – Chapter 4 Proposals

Final Draft 10/01/2025

Title 24, CBC/CFC

Chapter 4

Special Detailed Requirements Based on Occupancy and Use

ITEM 1:

Section 436 Group I-4

Proposed Change:

Delete SFM amendment to section 436.1.1.

~~436.1.1 Egress.~~

~~Rooms used for Group I-4 child care or adult day care on the first floor shall have one exit door directly to the exterior.~~

~~**Exception:** One-hour rated corridors with a minimum width of 60 inches.~~

PURPOSE and RATIONALE: The proposal deletes SFM amendment to Section 436.1.1 to align with the requirements of the 2019 California Building Code, thereby eliminating the added requirement for direct exterior egress from all rooms used for I-4 occupancy on the first floor.

The current language imposes a requirement that all rooms used for Group I-4 childcare or adult day care on the first floor must have a direct exit to the exterior. This requirement presents significant design and construction challenges, particularly for existing facilities, and imposes substantial financial burdens on licensed care providers and the families they serve.

Section 305.5.1 of the code allows certain Group I-4 childcare facilities with direct egress from each room to be reclassified as Group E occupancies, which are subject to less stringent requirements, including exemption from automatic fire sprinkler systems. However, no such allowances are provided for adult day care facilities. As a result, adult day care centers are disproportionately impacted by the requirement for direct exterior egress from each room. Furthermore, for adult day care populations—particularly those with memory impairments or conditions that increase the risk of elopement—providing direct exits from each room may introduce additional safety concerns.

Group I-4 occupancies are already subject to more stringent construction, egress, and fire/life safety requirements than Group B or E occupancies. The additional requirement

for direct exterior egress from each room on the first floor is redundant and imposes unnecessary logistical and financial burdens on care providers. The proposed revision maintains a high level of life safety while providing flexibility in design and cost-effective compliance options for both child and adult day care facilities.

Work Group Poll –

Item 1 Consensus “Agree/In support”

Disagree- 2

Needs further study – 3

Agree– 31

Child Care Center Work Group
Sub-group – Mitigating Factors
Final Draft 10/10/2025

Title 24, CBC/CFC

ITEM 1:

Chapter 1: Scope and Administration
Division 1 California Administration
Section 1.11 Office of the State Fire Marshal
1.11.2 Duties and Powers of the Enforcing Agency

1.11.2.4 Request for alternate means of protection.
(...)

1.11.2.4.1 Child care facilities

Child-care facilities under Group I-4 and Group E occupancies may employ mitigating factors in lieu of prescriptive requirements when approved by the fire code official.

Acceptable mitigating factors shall include, but not be limited to:

1. Enhanced staff-to-child evacuation ratios;
2. Approved evacuation cribs or devices with documented inspection and maintenance;
3. Automatic fire alarm system with direct notification to the fire department;
4. Enhanced staff training and evacuation drills;
5. Use of fire protection engineers or licensed architects to design equivalency proposals.

The State Fire Marshal shall publish and maintain a “Mitigation and Equivalency Matrix for Child-Care Facilities” identifying options and criteria for approval.

Purpose and Rationale:

The proposed code change aims to enhance clarity and consistency in fire safety regulations for child care facilities and to strengthen coordination with fire authorities. The request for alternate means of protection specific to child care facilities will offer flexible compliance options to help ensure child-care environments remain safe, accessible, and well-supported.

1.11.2.5 Appeals.
(...)

1.11.2.5.1 Appeals for child care facilities.

Where the AHJ denies a request for alternative methods or mitigating factors, the applicant may appeal to the State Fire Marshal within 30 days.

The State Fire Marshal shall review the record, conduct a site inspection as needed, and issue a written decision within 60 days. The decision of the State Fire Marshal shall be final.

Purpose and Rationale:

The proposed appeals process creates a transparent mechanism for resolving disputes when alternate methods are denied, promoting fairness and consistency in enforcement for child care facilities. Additionally, the proposed appeal amendment clearly indicates a timeline for submitting an appeal to the SFM and to receive a written decision.

Chapter 1: Scope and Administration
Division II Scope and Administration
Part 2 Administration and Enforcement
Section 110: Inspections

[A] 110.2 Preliminary inspection.
(...)

[A] 110.2.1 Child care center pre-inspections.

When required by statute or regulations, such as prior to submitting an application or when requesting a change in capacity, a child care center shall request a fire clearance inspection using the form LIC-9092 or an equivalent form approved by the State Fire Marshal. The fire clearance pre-inspection shall occur before the formal licensing inspection. Results shall be documented and provided to both the licensing agency and the applicant.

Exception: The Authority Having Jurisdiction (AHJ) may waive the pre-inspection if the building was constructed under the current edition of the California Building Standards Code and no changes in occupancy or capacity are proposed.

Purpose and Rationale:

The proposed changes encourage a more proactive fire clearance inspection to identify safety issues early, helping applicants avoid delays and costly corrections during the licensing process. It also introduces a structured framework for alternate means of protection, allowing child-care providers to meet safety goals through tailored, evidence-based alternatives approved by fire officials. This approach supports flexibility while maintaining rigorous standards.

Chapter 9 Fire Protection and Life Safety Systems
Section 903 Automatic Sprinkler Systems
[F] 903.2 Where Required.

[F] 903.2.3 Group E
(...)

Exceptions: Child-care facilities serving children under 36 months, where installation of an automatic sprinkler system is infeasible due to water supply or infrastructure limitations. The fire code official may approve alternate fire protection measures provided all of the following are met:

1. A monitored fire alarm system is installed;
2. Evacuation cribs or equivalent devices are available and maintained;
3. Staff are trained in infant evacuation protocols and conduct quarterly drills;
4. Occupant load and exit travel distances comply with Section 1006;
5. A plan for phased sprinkler installation, where feasible, is submitted.

Purpose and Rationale:

The proposed amendment provides flexibility to child care facilities to address sprinkler alternatives for those with infrastructure limitations. It allows a structured framework for alternate means of fire protection, allowing child-care providers to meet safety goals through tailored, evidence-based alternatives that are approved by fire officials. This approach supports flexibility while maintaining rigorous standards.

(...)

[F] 903.2.6 Group I.

An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exceptions:

(...)

3. Group I-4 child-care facilities serving children under 36 months, where installation of an automatic sprinkler system is infeasible due to water supply or infrastructure limitations. The fire code official may approve alternate fire protection measures provided all of the following are met:

1. A monitored fire alarm system is installed;
2. Evacuation cribs or equivalent devices are available and maintained;
3. Staff are trained in infant evacuation protocols and conduct quarterly drills;
4. Occupant load and exit travel distances comply with Section 1006;
5. A plan for phased sprinkler installation, where feasible, is submitted.

Purpose and Rationale:

The proposed amendment provides flexibility to child care facilities to address sprinkler alternatives for those with infrastructure limitations. It allows a structured framework for alternate means of fire protection, allowing child-care providers to meet safety goals through tailored, evidence-based alternatives that are approved by fire officials. This approach supports flexibility while maintaining rigorous standards.

Work Group Poll –

Items 1-4 Consensus “Needs further study”

Disagree- 7

Needs further study – 22

Agree– 17