August 2, 2024

The Honorable Gavin Newsom

Governor, State of California

1021 O Street, Suite 9000

Sacramento, CA 95814

Dear Governor Gavin Newsom,

In 2021, the State embarked on a historic expansion of pre-k and child care that will provide Transitional Kindergarten to all four-year-olds and child care to 200,000 low-income children and families. This expansion is greatly needed – in particular, there is a severe shortage of quality infant-toddler child care, and low income families struggle to survive without it.

To accommodate the need, existing school districts and other community-based organizations must significantly expand their services. A recent change to Title 24 Fire and Building Code threatens to stop this expansion of services, specifically for infants and toddlers. Child care providers were never consulted about this change nor informed prior to implementation, resulting in the immediate closure of several classrooms and the inability to open new facilities. Now hundreds, if not thousands, of infant-toddler child care spaces will not open and the State of California’s efforts to expand these services will be stymied until this issue is fixed.

The signatories of this letter, representing the largest providers of subsidized child care in California, are concerned that thousands of low-income infants and toddlers may never get the child care they so desperately need even though state funding is currently available for these services.

Specifically, our concern regards an inconsistency between child care licensing requirements and a change in Title 24 Fire and Building Code. The new fire regulation— for which no recent study has been conducted or cited—moves licensed child care facilities with more than five infants and toddlers into a new occupancy group (Group I-4 Occupancy) with increased requirements. Most notably, child care programs in Group I-4 must install an automatic fire sprinkler system. The costs to meet this code change exceed $100K–$200K per classroom, and providers are not receiving any funding to pay for this work.

The code changes include amendments and clarification of Group E occupancy buildings (including child care facilities), Group I-4 occupancy, and the definition of “infants and toddlers”. The relevant changes are as follows:

* For Group I-4 facilities, there are increased requirements that child care programs do not currently have in place. In addition to an automatic fire sprinkler system, an emergency voice/alarm communication system must also be installed. Both of these systems must be installed throughout the site’s buildings, not just in those classrooms serving more than five infants and toddlers.
* Child care providers serving infants and toddlers can only remain under Group E occupancy code if they serve no more than five children.

Limiting the number of infants and toddlers to five per classroom is not a fiscally viable model for providers due to the costs of operating a child care program. A typical classroom has 12 to 16 infants and toddlers with three to six caregivers. If providers must adhere to the I-4 Occupancy automatic sprinkler requirements, the following issues arise:

* Facilities with just one infant-toddler classroom​​—such as a school, church, low-income housing complex, or other large building—will be required to install automatic sprinklers in the entire building.
* The installation costs for installing sprinklers in even just one classroom let alone an entire building would be prohibitive for most providers. Furthermore, the work would take at least 2–3 months, during which time the site would be closed and families would not have access to child care. **This requirement is not a viable option for year-round child care facilities and the low-income working families who depend on the reliability of that care.**

Child care facilities are already required to adhere to extensive fire safety measures. In addition to multiple exits (each a minimum of 36 inches wide), illuminated signage, monitored fire alarm systems, a mandate that classrooms be located on the ground floor, and extensive drills and staff training, programs must have an approved evacuation plan that meets building code and licensing regulations, and will ensure the safety of children. For many programs, these plans include the use of evacuation transport cribs with large caster wheels that can hold 130 pounds and multi-child strollers that hold 4–6 children each. In addition, each classroom has one adult for every four infants and toddlers.

To be clear, the safety of children is the top priority of licensed child care providers. In partnership with fire, building, and licensing officials, we are open to improving current safety regulations and developing solutions that enhance safety without eliminating access to child care.

**In the meantime, we would like to request that child care providers are permitted to adhere to Chapter 3 of Title 24 of the California Building Code Child as it existed on December 31, 2022 until appropriate revisions are implemented. To discuss further, please contact Maéva Marc at** [**mmarc@kidango.org**](mailto:mmarc@kidango.org) **or 510-480-8458.**

Thank you so much for your consideration and for your support of early childhood education.

Sincerely,

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CC:

Department of Finance

Department of Education

Department of Social Services

Senate Budget

Senate pro Tempore Office

Assembly Speakers Office