

**REVISED ADOPTED REGULATION OF THE  
BOARD FOR CHILD CARE**

**LCB File No. R032-07**

§§1, 3, 5-11, 14, 15, 17 and 19-21 become effective  
when this regulation is filed with the Secretary of State;  
§12 becomes effective only if §13 does not become effective, in which case  
§12 becomes effective when this regulation is filed with the Secretary of State;  
§§2 and 16 become effective 18 months after this regulation is filed with the Secretary of State;  
§§4 and 13 become effective only if LCB File No. R112-06 becomes effective, in which case  
§§4 and 13 become effective when LCB File No. R112-06 or R032-07  
is filed with the Secretary of State, whichever is later;  
§18 becomes effective January 1, 2010

(This regulation was split out from LCB File No. R112-06RP1; §§20, 35, 39, 44-46, 50, 51, 62, 65-67, 80 and 81 have been removed from that regulation for separate consideration. Also §§10, 11, 21, 22, 25 and 26 have been split out from the adopted version of this regulation for separate consideration; these sections are now located in LCB File No. R001-09RA.)

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-4, 6-9, 11 and 14-21, NRS 432A.077; §§5, 10, 12 and 13, NRS 432A.077 and 432A.177.

A REGULATION relating to children; revising certain provisions concerning the ratio of caregivers to children in a child care facility under certain circumstances; requiring persons employed in certain child care facilities and directors of child care facilities who work with infants under a certain age to obtain training in Sudden Infant Death Syndrome; making various other changes relating to the standards of operation of a child care facility; providing additional requirements for certain types of child care facilities; and providing other matters properly relating thereto.

**Section 1.** Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *“Early care and education program” means a program in which developmentally appropriate care and education are provided to children based on the ages of the children served and on the type of setting within which that care and education are provided.*

**Sec. 3.** *“The Nevada Registry” means the organization that operates the statewide system of career development and recognition created to:*

- 1. Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;*
- 2. Establish a professional development system in this State for the field of early childhood care and education;*
- 3. Approve and track all informal training in the field of early childhood care and education in this State; and*
- 4. Act as a statewide clearinghouse of information concerning the field of early childhood care and education.*

**Sec. 4.** *A facility, other than an accommodation facility or a facility that provides care for ill children, may replace a caregiver who has:*

- 1. An unplanned absence with an alternate caregiver:*
  - (a) Who is able to be on the premises of the facility within 5 minutes after being requested to do so;*
  - (b) Whom the Bureau has investigated pursuant to paragraph (a) of subsection 2 of NAC 432A.200; and*
  - (c) Who satisfies the requirements of NAC 432A.310 and paragraph (a) of subsection 1 of NAC 432A.323.*
- 2. A prearranged absence with a substitute caregiver who satisfies each of the requirements of a caregiver set forth in this chapter and chapter 432A of NRS.*

**Sec. 5.** *1. The training required pursuant to NRS 432A.177 must be approved by:*

- (a) An agency designated by the Director of the Department to approve such training; or*

*(b) If the Director has not designated an agency to approve the training, the Bureau or the local licensing agency.*

*2. The licensee of a child care facility shall:*

*(a) Include evidence of completion of the training required pursuant to NRS 432A.177 in the personnel file of each employee of the child care facility required to complete the training; and*

*(b) Upon request of the Bureau, submit the evidence of completion of the training for any employee of the child care facility required to complete such training.*

**Sec. 6. 1.** *Portable wading pools and other containers of water may be used in a facility if:*

*(a) The depth of the water in the pool or container does not exceed 6 inches; and*

*(b) The pool or container is emptied, cleaned and sanitized immediately after each use.*

*2. A facility which provides activities in water that has a depth greater than 6 inches, other than a swimming lesson which is taught at a public swimming pool, shall ensure that:*

*(a) No child is in water with a depth that is higher than the chest of the child while the child is standing;*

*(b) At least one caregiver is within arm's reach of each child who is less than 3 years of age;*

*(c) The children are not allowed to wade or swim in a moving body of water, including, without limitation, a stream, river, creek or irrigation ditch; and*

*(d) At least one person who is currently certified as a lifeguard or water safety instructor by the American National Red Cross or an equivalent water safety program is supervising the children. A public lifeguard may satisfy the requirement of this paragraph.*

*3. A facility which offers an activity in the water as described in subsection 2 must offer the activity as an optional activity.*

*4. When children cared for in a facility are engaged in an activity in the water as described in subsection 2 and the children are:*

*(a) Less than 3 years of age, the ratio of caregivers to children must be one caregiver for each child;*

*(b) At least 3 years of age but less than 6 years of age, the ratio of caregivers to children must be one caregiver for every 4 children; and*

*(c) Except as otherwise provided in subsection 5, at least 6 years of age or older, the ratio of caregivers to children must be one caregiver for every 6 children.*

*5. When children cared for in a facility are engaged in an activity in the water as described in subsection 2 and the children are at least 6 years of age or older, if:*

*(a) There are more than 6 children but less than 12 children engaged in the activity, the ratio of caregivers to children must be two caregivers for each group of that size;*

*(b) There are at least 12 children but less than 20 children engaged in the activity, the ratio of caregivers to children must be three caregivers for each group of that size; and*

*(c) There are 20 or more children engaged in the activity, the ratio of caregivers to children must be three caregivers plus one additional caregiver for every sixth additional child in excess of 20 children.*

**Sec. 7.** NAC 432A.010 is hereby amended to read as follows:

432A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432A.012 to 432A.165, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 8.** NAC 432A.020 is hereby amended to read as follows:

432A.020 ~~["Caretaker" means any]~~ *"Caregiver" means a* natural person ~~:~~

- ~~—1. Who is 16 years of age or older;~~
- ~~—2. Who meets the qualifications in this chapter; and~~
- ~~—3. Whose duties include the direct care, supervision and guidance]~~ *who is responsible for the direct care, supervision, guidance and education* of children in a facility.

**Sec. 9.** NAC 432A.250 is hereby amended to read as follows:

432A.250 1. Except as otherwise provided in this subsection, subsection ~~[2]~~ 3 and NRS 432A.078, in each facility there must be:

(a) At least 35 square feet of indoor space for each child , exclusive of bathrooms, halls, kitchen, stairs , ~~[and]~~ storage spaces ~~[ ]~~ , *multipurpose rooms and gymnasiums that are not regularly used.*

(b) At least 37 1/2 square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. An accommodation facility need not provide outdoor play space.

2. *Each facility shall:*

(a) *Ensure that each room of the facility which is used by children is:*

*(1) Maintained free of drafts and at a temperature that is not less than 65 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of October through March and at a temperature that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of April through September; and*

*(2) Heated, cooled and ventilated to maintain the temperatures required in this paragraph and to avoid the accumulation of odors and fumes;*

*(b) Ensure that electrical devices or electrical apparatuses which are accessible to children are not located near any type of water source, including, without limitation, any sink, tub, shower area or wading pool; and*

*(c) Install nonflammable barriers, including, without limitation, permanent guards or shields to cover heating units, including, without limitation, hot water heating pipes and baseboard heaters with a surface temperature that is hotter than 100 degrees Fahrenheit, to ensure that those heating units are inaccessible to children.*

3. A facility that provides care for ill children must have:

(a) At least 50 square feet of indoor space for each child, as determined by the maximum number of children stated on the license for the facility, exclusive of bathrooms, halls, kitchen, stairs and storage spaces.

(b) A separate ventilation system if the facility is attached to another building.

~~[3.]~~ 4. The play area of each facility must:

(a) Be fenced or enclosed in a manner that prevents the unsupervised departure of children from the area;

(b) Have an adequate drainage system;

(c) Be free of hazards, debris and trash;

(d) If it is an outdoor play area, ~~[have trees or a structure which can provide adequate shade for the children using the area;]~~ *provide, during the months of April through September, a shade area or shade areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children in the outdoor play area;*

(e) Have *appropriate, as determined by the Bureau, depths and perimeters of* resilient ~~[surfaces]~~ *surfacing* underneath *and surrounding* any elevated play equipment;

- (f) Have adequate safety barriers around any elevated platforms;
- (g) Not have any dangerous or poisonous plants or other vegetative matter located within the boundaries of the play area or in an area that is accessible to children from the play area;
- (h) Not be in a location where any bodies of water are accessible to children; and
- (i) If it has playground equipment, have only equipment that is:
  - (1) In good repair;
  - (2) Designed and constructed to minimize injury;
  - (3) Compatible with the age of the children in the care of the facility;
  - (4) Spaced to reduce accidents; and
  - (5) Securely anchored.

~~[4.]~~ **5.** If a facility that provides care for ill children is a component of a child care center and provides outdoor play space, the play space must:

- (a) Be separate from the play space for well children;
- (b) Meet the requirements of paragraph (b) of subsection 1; and
- (c) Meet the requirements of subsection ~~[3.]~~ **4.**

**Sec. 10.** NAC 432A.320 is hereby amended to read as follows:

432A.320 1. ~~[Newly]~~ *Except as otherwise provided in NRS 432A.177, within the first 2 weeks after commencing employment, newly* employed members of the staff *of a facility* must be given ~~[an]~~ *a written and oral* orientation program and *be* trained *in the policies, procedures and programs of the facility* by the director ~~[in the policies, procedures and programs of the facility.]~~ *or a designee trained by the director. The orientation must address, at a minimum:*

- (a) Any regulatory requirements that govern the facility;*
- (b) The goals and philosophy and the policies and procedures of the facility;*

- (c) Any planned programs or activities of the facility;*
- (d) The policies and practices of the facility for relating to parents;*
- (e) Meal patterns and food-handling policies and practices of the facility;*
- (f) Dealing with occupational health hazards for caregivers, including, without limitation, paying attention to the physical health and emotional demands of the job and being aware of any special considerations required by a caregiver who is pregnant;*
- (g) The emergency health and safety procedures of the facility; and*
- (h) The general health and safety policies and procedures of the facility, including, without limitation, policies and procedures concerning:*
  - (1) Hand-washing techniques and requirements;*
  - (2) Techniques for diapering and for assisting in the use of a toilet if care is provided to children in diapers or children needing help with using a toilet, including, without limitation, techniques for the disposal of diapers and for changing diapers;*
  - (3) Identifying hazards and methods for preventing injuries;*
  - (4) Techniques for preparing, serving and storing food for employees who are involved in any of the activities concerning food for children at the facility;*
  - (5) Excluding a child from the facility because the child has an illness, and the manner in which illnesses are transmitted between persons;*
  - (6) Methods for preparing formula if formula is prepared at the facility;*
  - (7) Any precautions and other measures that should be taken to prevent exposure to blood and other bodily fluids, and policies and procedures to follow in the event of exposure to blood or other bodily fluids; and*
  - (8) The administration of medication.*



2. If required by the director or owner of the facility, a member of the staff *of a facility* shall participate in any specialized training related to child care which is offered in the community where the facility is located.

3. A volunteer who works at least ~~20~~ 15 hours per week in a facility and participates in specialized child care training, as defined by the director:

(a) Is a member of the staff of the facility for the purposes of this section; and

(b) Must satisfy the training and certification requirements set forth in NAC ~~432A.322,~~ 432A.323 and 432A.326.

*4. Any training received by an employee of a facility or a volunteer who works in a facility as part of the orientation required by this section may not be applied toward meeting the training requirements set forth in NAC 432A.323 and 432A.326.*

**Sec. 11.** NAC 432A.322 is hereby amended to read as follows:

432A.322 1. Each person who is employed in a child care facility ~~[, other than in an accommodation facility,]~~ shall:

(a) Except as otherwise provided in subsection 2 and NAC 432A.560 and 432A.570, obtain certification in the administration of cardiopulmonary resuscitation within 90 days after the person commences his employment in the facility; and

(b) Maintain current certification in the administration of cardiopulmonary resuscitation.

2. A person is not required to obtain the certification required pursuant to subsection 1 if, on the date that he commences his employment in the facility, he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in this section.

3. The certification required pursuant to subsection 1 must include certification in administering cardiopulmonary resuscitation to children and:
- (a) To infants, if care is provided to infants at the facility; and
  - (b) To adults, if necessary to ensure that the person is certified to administer cardiopulmonary resuscitation to children of all ages for which care is provided at the facility.
4. Each course completed to obtain and maintain the certification required pursuant to subsection 1 must be taught by a certified instructor who meets the standards of *a nationally or internationally recognized provider of training in cardiopulmonary resuscitation, including, without limitation*, the American Heart Association, ~~[or]~~ the American National Red Cross ~~[,]~~, *MEDIC FIRST AID International, EMS Safety Services, or the American Safety and Health Institute.*
5. Evidence that an employee has obtained and maintained current certification in the administration of cardiopulmonary resuscitation as required pursuant to this section must be included in his personnel file and must be kept at the facility.

**Sec. 12.** NAC 432A.323 is hereby amended to read as follows:

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432A.323 1. Except as otherwise provided in subsection ~~[3,]~~ *4 and NRS 432A.177*, within 90 days after commencing his employment *or position* in a child care facility, each person who is employed in a child care facility, other than *a person employed in* ~~[an accommodation facility or]~~ *a facility that provides care for ill children, and each director of a child care facility* shall complete ~~[at least 9 hours of training which must include:~~  
~~—(a) Training received]~~ :

(a) *Any training required by the facility in which the director serves or in which the person is employed* for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to NAC 432A.322; ~~and~~

~~—(b) Training concerning:~~

~~—(1) The~~

(b) *Three or more hours of training in child development or guidance and discipline specific to the age group served by the facility in which the director serves or in which the person is employed;*

(c) *Two or more hours of training in the* administration of first aid;

~~{(2) The}~~

(d) *Two or more hours of training in the* recognition of signs and symptoms of illness ~~;~~  
~~—(3) The~~, which must include, without limitation, training in the prevention of exposure to bloodborne pathogens;

(e) *Two or more hours of training in the* recognition *and reporting* of child abuse and neglect; and

~~{(4) The reporting requirements relating to child abuse and neglect.~~

~~—2. Except as otherwise provided in subsection 3, within}~~

(f) *If the person or director works with infants under 12 months of age, at least 2 hours of training concerning Sudden Infant Death Syndrome.*

2. *Within* 12 months after commencing ~~{a position as a director of a child care facility, obtaining a license to operate a child care facility or commencing employment as a caretaker in a child care facility, each such director, licensee and caretaker}~~ *employment, each person described in subsection 1* shall, in addition to completing any training required pursuant to

subsection 1 and completing any course in the development of children required pursuant to NAC 432A.306, complete at least ~~1~~:

~~—(a) Three hours of training by completing a course in the development of children; and~~

~~—(b) Three hours of training in child care.] 15 hours of training in professional development as required pursuant to NAC 432A.326.~~

3. *Within 12 months after commencing employment as a member of the staff of a facility, each member of the staff of a facility who works in a nursery for infants and toddlers shall, in addition to completing any training required pursuant to subsections 1 and 2, and completing any course in the development of children required pursuant to NAC 432A.306, complete at least 2 hours of training concerning Sudden Infant Death Syndrome.*

4. A ~~[person]~~ *new employee of a child care facility* is not required to complete ~~1~~:

~~—(a) The training required pursuant to subsection 1 for the purpose of obtaining certification in the administration of cardiopulmonary resuscitation if on the date that he commences his employment in the facility he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in NAC 432A.322.~~

~~—(b) Any other]~~ *the* training required pursuant to subsection 1 ~~[or 2]~~ if he has completed that training within the previous ~~[12]~~ *24* months.

~~[4.]~~ 5. The training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required to be completed pursuant to ~~[this section]~~ *subsection 1* must be provided by one of the persons, agencies or institutions listed in NAC 432A.308 as qualified to provide such training.

~~[5.]~~ 6. The training required pursuant to subsections 1 , ~~[and]~~ *2 and 3* must be designed to:

(a) Ensure the protection of the health and safety of each child ~~[accommodated]~~ *enrolled* in the facility; and

(b) Promote the physical, moral and mental well-being of each child ~~[accommodated]~~ *enrolled* in the facility.

~~[6-]~~ 7. If the facility is a special needs facility, the training required pursuant to subsections 1 , ~~[and]~~ 2 *and* 3 must also be designed to provide information on the characteristics of handicapping conditions and appropriate programs for children with special needs. The training must be ~~[established or]~~ approved by:

(a) ~~[An]~~ *The Nevada Registry or its successor organization, or any other* agency designated by the Director of the Department ~~[:]~~ *to approve such training;* or

(b) If *the training has not been approved by The Nevada Registry or its successor organization, and* the Director *of the Department* has not designated ~~[an agency,]~~ *another agency to approve such courses,* the Bureau or the local licensing agency.

~~[7-]~~ 8. Evidence that an employee has completed the training required pursuant to subsections 1 , ~~[and]~~ 2 *and* 3 must be included in his personnel file and must be kept at the facility. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

**Sec. 13.** NAC 432A.323 is hereby amended to read as follows:

432A.323 1. Except as otherwise provided in subsection 4 *and section 4 of this regulation* and NRS 432A.177, within 90 days after commencing his employment or position in a child care facility, each person who is employed in a child care facility, other than a person

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employed in a facility that provides care for ill children, and each director of a child care facility shall complete:

(a) Any training required by the facility in which the director serves or in which the person is employed for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to NAC 432A.322;

(b) Three or more hours of training in child development or guidance and discipline specific to the age group served by the facility in which the director serves or in which the person is employed;

(c) Two or more hours of training in the administration of first aid;

(d) Two or more hours of training in the recognition of signs and symptoms of illness, which must include, without limitation, training in the prevention of exposure to bloodborne pathogens;

(e) Two or more hours of training in the recognition and reporting of child abuse and neglect; and

(f) If the person or director works with infants under 12 months of age, at least 2 hours of training concerning Sudden Infant Death Syndrome.

2. ~~[Within]~~ *Except as otherwise provided in section 4 of this regulation, within* 12 months after commencing employment, each person described in subsection 1 shall, in addition to completing any training required pursuant to subsection 1 and completing any course in the development of children required pursuant to NAC 432A.306, complete at least 15 hours of training in professional development as required pursuant to NAC 432A.326.

3. ~~[Within]~~ *Except as otherwise provided in section 4 of this regulation, within* 12 months after commencing employment as a member of the staff of a facility, each member of the staff of a facility who works in a nursery for infants and toddlers shall, in addition to completing any

training required pursuant to subsections 1 and 2, and completing any course in the development of children required pursuant to NAC 432A.306, complete at least 2 hours of training concerning Sudden Infant Death Syndrome.

4. A new employee of a child care facility is not required to complete the training required pursuant to subsection 1 if he has completed that training within the previous 24 months.

5. The training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required to be completed pursuant to subsection 1 must be provided by one of the persons, agencies or institutions listed in NAC 432A.308 as qualified to provide such training.

6. The training required pursuant to subsections 1, 2 and 3 must be designed to:

- (a) Ensure the protection of the health and safety of each child enrolled in the facility; and
- (b) Promote the physical, moral and mental well-being of each child enrolled in the facility.

7. If the facility is a special needs facility, the training required pursuant to subsections 1, 2 and 3 must also be designed to provide information on the characteristics of handicapping conditions and appropriate programs for children with special needs. The training must be approved by:

(a) The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve such training; or

(b) If the training has not been approved by The Nevada Registry or its successor organization, and the Director of the Department has not designated another agency to approve such courses, the Bureau or the local licensing agency.

8. Evidence that an employee has completed the training required pursuant to subsections 1, 2 and 3 must be included in his personnel file and must be kept at the facility. With regard to

training concerning the administration of first aid and the recognition of signs and symptoms of illness, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

**Sec. 14.** NAC 432A.376 is hereby amended to read as follows:

432A.376 Except as otherwise provided in NAC 432A.585:

1. Each prescribed medication must ~~be plainly labeled, contain~~ :
  - (a) *Be kept in the original container which must have a child-proof lid;*
  - (b) *Be plainly labeled;*
  - (c) *Contain* the name of the child or adult for whom it is prescribed ; and ~~be~~
  - (d) *Be* stored in a locked cabinet or be made inaccessible to children.
2. Medications for external use must be kept in a separate section of the locked cabinet.

Medications stored in a refrigerator must be made inaccessible to children.

~~2.~~ *Nonprescription medications must be kept in a container with a child-proof lid.*

3. Except in an emergency, only one person designated by the licensee of a facility may administer medications to children.

~~3.~~ *A person designated by the licensee of a facility pursuant to this subsection must be trained in the administration of medication by a health care professional or the parent of a child cared for in the facility and authorized to administer the medication pursuant to NRS 453.375 or 454.213.*

4. The licensee of a facility shall maintain a written record containing:
  - (a) The name of each medication administered;
  - (b) The name of the child to whom it was administered; and



(c) The date and time on which it was administered on a weekly basis. The record must be kept in the child's file.

~~[4.]~~ 5. A prescribed medication must, upon discontinuance of use, be promptly destroyed or returned to the child's parent.

**Sec. 15.** NAC 432A.380 is hereby amended to read as follows:

432A.380 1. To the extent set forth in ~~[subsection 3,]~~ *subsections 3 and 4*, a licensee of a facility shall meet the daily nutritional needs of each child. Meals and snacks must be of a quality and quantity which ~~[supplements]~~ *supplement* the food served at home. Cultural and ethnic foods which are appropriate for children must be considered in planning meals. To the extent possible, information provided by parents concerning their child's eating habits and preferences or special needs regarding food must be considered in planning for meals.

2. A licensee of a facility shall consult the Bureau or local licensing agency or some other public agency for nutritional information which is applicable to children of ages receiving care at the facility.

3. A ~~[licensee of a facility shall serve every]~~ child who stays in ~~[the facility:~~  
~~—(a) For 5 or more but less than 10 hours per day, a quantity of food which will supply at least one third of the recommended dietary allowance established by the Food and Nutrition Board of the National Academy of Sciences.~~  
~~—(b) For 10 or more hours per day, a quantity of food which will supply at least one half of the recommended dietary allowance established by that Board.~~  
~~—4.]~~ *a facility:*

*(a) For 10 hours or less in 1 day must be offered at least one meal and two snacks or two meals and one snack; and*

*(b) For more than 10 hours in 1 day must be offered at least two meals and two snacks or one meal and three snacks.*

*4. A nutritious snack must be offered to all children in the midmorning and the midafternoon. Each child must be offered food at intervals that are at least 2 hours apart and, unless the child is asleep during that time, are not more than 3 hours apart.*

5. Foods and beverages which are sweet or have little nutritional value must not be served to children except as an addition to the meals or snacks served to comply with the requirements of ~~[subsection 3.~~

~~—5.] subsections 3 and 4.~~

6. Every menu must be in writing, dated, planned a week in advance, and kept on file in the facility for at least 90 days after the corresponding meal is served. The licensee of a facility shall post the current menu, including any changes, in the kitchen and in a public place within the facility convenient for parental inspection. Family homes and group homes are exempt from the requirements of this subsection.

~~[6.—A child may bring his lunch]~~

*7. Meals may be brought from home* to a facility ~~[in a properly identified]~~ *for a child to consume at the facility. The* bag or other container ~~[. The licensee of a]~~ *used to bring the meal to the facility must be labeled with the child's first and last name. A* facility shall ~~[refrigerate such lunches or place them in a cold, protected area.~~

~~—7.]~~ *inform the parents of each child who is cared for in the facility that perishable items must be stored or packed in a manner that maintains the temperature of the contents.*

8. A child is not allowed in the kitchen of any facility unless he is supervised.

~~[8.]~~ **9.** Whenever possible, members of the staff of the facility must eat with the children and encourage them to eat a variety of food and observe table manners.

~~[9.]~~ **10.** Drinking water must be freely available to all children at all times.

~~[10.]~~ **11.** Food must not be used as a basis for discipline or reward. Children should be encouraged, but must not be forced, to eat.

**Sec. 16.** NAC 432A.430 is hereby amended to read as follows:

432A.430 1. ~~[The licensee of a preschool shall have a program that includes:~~

~~—(a) An assessment of each child's individual needs and of activities which are suitable to his needs; and~~

~~—(b) A comparison of each child's actual growth, status and progress with his potential growth, status and progress.~~

~~—2.—A licensee of a preschool must develop a specific plan for child care and instruction which is designed to achieve the following objectives:~~

~~(a) Successful adjustment of the child to an environment away from home;~~

~~—(b) Familiarity of the child with a group setting;~~

~~—(c) Development in the child of an interest and joy in learning;~~

~~—(d) Development in the child of a feeling of security and individual success;~~

~~—(e) Development of a child's self-expression and self-control;~~

~~—(f) Development of creativity in the child; and~~

~~—(g) Development of a child's sense of responsibility.~~

~~—3.—A plan of the curriculum and a description of the methods of delivering instruction must be prepared by a licensee of a preschool.]~~ *Each facility, including, without limitation, a family*

*home and a group home, shall have an early care and education program.*

*2. Each facility described in subsection 1 shall develop a written assessment plan which is designed to, without limitation:*

- (a) Identify the interests and needs of each child enrolled in the facility;*
- (b) Describe the developmental and educational progress of each child enrolled in the facility who is not attending public or private elementary school;*
- (c) Identify the need for and referral of a child enrolled in the facility for developmental screening and the referral of the child for diagnostic assessment, if appropriate;*
- (d) Describe the methodology for developing curriculum for the children enrolled in the facility;*
- (e) Adapt teaching practices and the environment to the children enrolled in the facility;*
- (f) Facilitate the early care and education program required pursuant to subsection 1; and*
- (g) Promote communication with the family of a child enrolled in the facility.*

*3. In addition to the written assessment plan which is developed pursuant to subsection 2, each facility described in subsection 1 shall, within 3 months after a child enrolls in the facility, assess the child by use of, without limitation, portfolios, observations, checklists, rating scales and screening tools. Such an assessment must be repeated biannually thereafter to monitor and support the learning and development of each child enrolled in the facility.*

*4. Each facility described in subsection 1 shall develop a written plan of curriculum for the children enrolled in the facility. The plan must:*

- (a) Be made available for parental review;*
- (b) Be prepared before the **early care and education** program becomes effective;*
- (c) Be kept on file **at the facility** for at least 1 year;*
- (d) Include a program of speaking and listening to English;*

(e) ~~[Include a program to develop a child's awareness of basic mathematical concepts;]~~

*Integrate age appropriate key areas of instruction, including, without limitation, literacy, mathematics, science, social studies, creative expression and the arts, and health and safety;*

(f) *Incorporate instruction, concepts and activities that foster the social, emotional, physical, linguistic and cognitive development of children; and*

(g) Provide for the involvement of parents *of the children enrolled in the facility* in learning activities at the ~~[preschool]~~ *facility* and at home . ~~;~~

~~—(g) Provide for the development of a child's skill in music, arts and crafts and pleasure received from these activities;~~

~~—(h) Provide for the development of a child's awareness of his natural surroundings and stimulate his curiosity about his environment; and~~

~~—(i) Provide for increasing a child's awareness of the need for good physical health, personal hygiene, exercise and nutrition.~~

~~—4.—A licensee of a preschool must recognize each child's individual level of development and provide an assortment of materials, equipment and activities broad enough to meet the social, emotional, physical and cognitive development of each child.~~

~~—5.—A licensee of a preschool may allow the number of children stated on its license to participate in the program for 4 or fewer hours per day.~~

~~—6.—Every licensee of a preschool must have a person designated as its program director who develops and supervises the preschool's curriculum. The person must be at least 21 years of age and:~~

~~—(a) Have a bachelor's degree in teaching or child development from an accredited college or university and have completed at least 12 semester hours of education, of which:~~

~~—— (1) At least 6 semester hours are in child development or in courses directly related to child development; and~~

~~—— (2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~

~~—— (b) Have at least 2 years of experience in a full-time, verifiable position, be a graduate of a 2-year educational course in child development and have completed at least 12 semester hours of education, of which:~~

~~—— (1) At least 6 semester hours are in child development or in courses directly related to child development; and~~

~~—— (2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~

~~—— (c) Have at least 2 years of experience in a full-time, verifiable position, be a graduate of a 1-year certified program of child development and have completed at least 12 semester hours of education, of which:~~

~~—— (1) At least 6 semester hours are in child development or in courses directly related to child development; and~~

~~—— (2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~

~~—— (d) Hold a current credential as a “Child Development Associate” issued by the Council for Early Childhood Professional Recognition, Washington, DC 20005; or~~

~~—(e) Have a combination of education and experience which, in the judgment of the Chief, is equivalent to one of the requirements described in paragraphs (a) to (d), inclusive.]~~

*5. Each facility described in subsection 1 shall provide materials and equipment to carry out the written plan of curriculum developed pursuant to subsection 4 that:*

- (a) Reflect the lives of the children and the families of the children enrolled in the facility;*
- (b) Reflect the diversity of the children in our society with regard to the gender, age, native language, ethnicity, culture and abilities of the children enrolled in the facility;*
- (c) Provide for the safety of the children enrolled in the facility while being appropriately challenging for the children;*
- (d) Encourage the children enrolled in the facility to explore, experiment and discover new information and ideas;*
- (e) Promote action on the part of the children enrolled in the facility and interaction among the children enrolled in the facility;*
- (f) Are organized in a manner which facilitates independent use of the materials and equipment by a child enrolled in the facility;*
- (g) Are rotated to reflect changes in the curriculum and to accommodate the different interests and skill levels of the children enrolled in the facility;*
- (h) Allow for a variety of uses; and*
- (i) Accommodate the special needs of the children enrolled in the facility.*

**Sec. 17.** NAC 432A.520 is hereby amended to read as follows:

432A.520 **1.** A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care , *supervision* and individual attention to each child and allow

NEW FIRST  
PARALLEL  
SECTION

time for interaction between the staff and the children to promote the children's social competence, emotional well-being and intellectual development.

*2. A member of the staff of a facility who is supervising a child pursuant to subsection 1 must:*

*(a) Be physically present in the room where the child being supervised is present;*

*(b) Observe, oversee and guide the child;*

*(c) Be aware of the needs of the child and accountable for the care of the child; and*

*(d) Maintain a proximity to the child that allows the member of the staff to be capable of intervening if his assistance or direction is needed by the child.*

**Sec. 18.** NAC 432A.520 is hereby amended to read as follows:

NEW  
SECOND  
PARALLEL  
SECTION

432A.520 1. A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care, supervision and individual attention to each child and allow time for interaction between the staff and the children to promote the children's social competence, emotional well-being and intellectual development.

*2. Except as otherwise provided in subsection 3, in addition to the number of caregivers that are required to satisfy the applicable ratio of caregivers to children set forth in NAC 432A.524, one additional caregiver or an adult volunteer per each group of children must be present on all field trips away from the child care facility to assist in providing direct supervision to the children and to increase the safety of the children.*

*3. The provisions of subsection 2 do not apply:*

*(a) If the purpose for leaving the child care facility is to transport the children from the child care facility to another location and, upon reaching that location, the responsibility for caring for the children is assumed by another adult.*



*(b) To a group of children that is composed entirely of children of school age, including children who are attending kindergarten.*

**4.** A member of the staff of a facility who is supervising a child pursuant to subsection 1 must:

- (a) Be physically present in the room where the child being supervised is present;
- (b) Observe, oversee and guide the child;
- (c) Be aware of the needs of the child and accountable for the care of the child; and
- (d) Maintain a proximity to the child that allows the member of the staff to be capable of intervening if his assistance or direction is needed by the child.

**Sec. 19.** NAC 432A.680 is hereby amended to read as follows:

432A.680 In addition to the training required pursuant to NRS *432A.177 and* 432A.410 ~~and~~ *and NAC 432A.323 and 432A.326*, the field administrator shall ensure that each employee of the program is trained in:

- 1. The philosophy, objectives and services provided by the program.
- 2. The statutory responsibilities of employees of such programs.
- 3. The legal rights of the disabled.
- 4. Current teaching methods.

**Sec. 20.** 1. A child care facility is exempt from the provisions of paragraph (e) of subsection 4 of NAC 432A.250, as amended by section 9 of this regulation, until the date for compliance with those provisions established by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services or an agency for the licensing of child care facilities established by a county or city, as applicable.

2. As used in this section, “child care facility” has the meaning ascribed to it in NAC 432A.060.

**Sec. 21.** 1. This section and sections 1, 3, 5 to 11, inclusive, 14, 15, 17, 19 and 20 of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Section 12 of this regulation becomes effective only if section 13 of this regulation does not become effective. Section 12 of this regulation becomes effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

3. Sections 2 and 16 of this regulation become effective 18 months after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

4. Sections 4 and 13 of this regulation become effective only if LCB File No. R112-06 is adopted by the Board for Child Care and filed by the Legislative Counsel with the Secretary of State. Sections 4 and 13 of this regulation become effective on:

(a) The date on which this regulation is filed by the Legislative Counsel with the Secretary of State; or

(b) The date on which LCB File No. R112-06 is filed by the Legislative Counsel with the Secretary of State,

↪ whichever occurs later.

5. Section 18 of this regulation becomes effective on January 1, 2010.