

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

June 14, 2017

LCB File # R092-16

Information Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.

In 2014, the federal government passed the Child Care Act which stipulates precise mandated changes to occur within all licensed child care facilities across the States. As Nevada is a State that utilizes federal funding it became critical that our regulations aligned with the mandates as specified to help ensure continued funding. The necessary amendments were made to provider trainings; school ratios and group size as required.

2. A description of how public comment was solicited, a summary of the public response and an explanation how other interested persons may obtain a copy of the summary.

The amended regulations of NAC432A were sent out to State of Nevada licensed child care facilities and posted publicly for other interested parties. The delivery outlets included postings to the listserv, child care licensing website, as well as, being electronically mailed. Majority of the responses received indicate that the proposed changes will have an adverse effect on small business in its current state. Individuals who answered the small business impact questionnaire explain that the effect would put a financial strain on their business and found the changes to be excessive.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from State of Nevada licensed child care facilities.

A Small Business Impact Questionnaire was sent to licensed child care facilities along with a copy of the proposed regulation changes, on July 25th, 2016. Respondents of this questionnaire expressed concerns about the proposed changes that were further elaborated by the industry through a public workshop that was held on September 30th, 2016. Quarterly stakeholder meetings were held to promote further discussion and collaboration to provide amendments that were affable between both the Division and the industry in the best interest of children.

3. The number of persons who:

Name of the Meeting	Date:	Number People in Attendance	Number of testimonies heard
Board of Health	06.09.2017		6
Public Workshop	09.30.2016	111	20

4. If provided, the name, telephone number, business address, business telephone number, electronic e-mail address and name of entity represented for individuals described above.

See attached Sign In Sheets from attendees in Las Vegas and Carson City.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Division of Public and Behavioral Health has held quarterly stakeholder meetings that promoted industry dialogue regarding concerns to the LCB File #092-16. In consideration of the responses received from these meetings the program had concluded that adjustments could be made to the proposed language without compromising the safety and well-being of children while also meeting federal mandates.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.
 - Ratio and Group size – Industry discussion found that dividing children into whole number age groups allows facilities more flexibility with their teacher to child ratios. Licensing felt this slight alteration was feasible and does not compromise child safety.
 - Classroom Capacity - Industry dialogue recognized that measured classroom capacity should be maximized if the facility maintains ratio and group size. For example, if a classroom has a measured capacity of 40 children, the facility will be allowed to have the 40 children within that classroom if they meet ratio and group size.
 - Allowance for mixed age groups - Industry discussion identified that mixed age groups are sometimes normal for facilities, especially, in the periods just after opening and just before closing. Industry indicated they require the flexibility and ability to shift children around and use mixed ages to accommodate less staffing during these times of operation. Meaning, for example, a facility may need to mix 2-year old's with 3-year old's and 5-year old's within one classroom. Facilities will be able to have this mixed age group if they maintain ratio and group size based upon the youngest child in the group, which would be the 2-year old of this scenario. Licensing agreed this was a reasonable adjustment that would not compromise child safety.

The proposed regulations have been adopted with an erratum because the proposed regulations met with noted public objections. The proposed changes were reasonable in merit and substance for the industry and the agency.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

- > Industry brought forth of economic effects on their business with the passing of these regulations by having to hire more staff to meet the staff to child ratios and the additional trainings would create additional costs to providers. The Division is also mindful of the economic impact these changes could have on facilities which is why the Division began dialogue with the industry to collaborate on feasible modifications that would not compromise the health and safety of the children. These proposed regulations will aid the State in maintaining eligibility for grant funds which will assist in keeping low fee costs to the providers.
 - > The implementation of these amended regulations will increase provider training and awareness as well as enhanced supervision which will contribute to the continued health and safety of the children they serve.
8. The estimated cost to the agency for enforcement of the proposed regulation: NONE
9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulatory federal agency.
- This regulation does not affect other State agencies, overlap, or duplicate authority. Currently, these regulations act in accordance with the Child Care Block Grant Act of 2014.
10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
- These regulations are not more stringent, but brings the State into alignment with Federal requirements.
11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

NONE

Attachments: Proposed Regulations

Errata