

**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:

NEW FIRST
PARALLEL
SECTION

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.~~ *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.~~ *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

NEW
SECOND
PARALLEL
SECTION

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 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File # R112-06, R032-07 and R001-09**

The Board for Child Care adopted regulations assigned LCB File No. R112-06, R032-07 and R001-09 which pertain to chapter 432A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

ATTACHMENT A- Small Business Impact Questionnaire

ATTACHMENT B- Small Business Impact Responses to Questionnaire

ATTACHMENT C- Small Business Impact Statement

ATTACHMENT D- Erratum

ATTACHMENT E- Notice to Solicit Workgroup Participation

ATTACHMENT F- Criteria form for Workgroups

ATTACHMENT G- Notice to Solicit Comments on Proposed Regulation

ATTACHMENT H- Adoption Hearing Public Notice

ATTACHMENT I- Proposed Regulations- LCB file number R032-07

ATTACHMENT J- Proposed Regulations- LCB file number R112-06

ATTACHMENT K- Proposed Regulations-LCB file number R001-09 – Originally part of R032-07 and has already heard testimony. R001-09 also includes a phase in period of 2 years from the effective date.

1. **DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

(Answer to item 1)

A Small Business Impact Questionnaire was mailed to all licensed child care providers in the State of Nevada, board members and all licensing regulators on August 28, 2008.

Attachment A is the Small Business Impact Questionnaire. Attachment B is a copy of the Small Business Impact compilation and Attachment C is the Small Business Impact Statement.

The Notice of Public Workshops held on September 27, 2008 and September 28, 2008, in Elko, October 3, 2008 and October 4, 2008 in Reno and on October 18, 2008 and October 19, 2008 in Las Vegas were posted on September 1, 2008. The Notices of Public Workshops were mailed to all county libraries in Nevada, all licensed child care providers, board members, licensing regulators and all other interested parties. The Small Business Impact Statement was available at all 6 workshops.

Copies of the Notice of Public Workshops, workshop minutes and 432A proposed regulations may be obtained by calling the Bureau of Services for Child Care at 775-684-4439 and may be viewed and printed at the following website:

http://www.dcf.state.nv.us/DCFS_ChildCare.htm

The Notice of Public Hearing regarding the Board's intent to adopt amendments was posted on October 7, 2008. The Notice of Public Hearing were mailed to all county libraries in Nevada, all licensed child care providers, board members, licensing regulators and all other interested parties.

Summary of public response:

Comments received at the Elko Workshop: 1 person attended in Elko

Connie Zeller, Child Care Director: (Supports The Nevada Registry, sections 10 and 26 in LCB file # R032-07 and sections 81 and 82 in LCB file # R112-06). Like I said, I haven't had a chance to look it over. I did have a chance to visit with Shelly about the registry information and I definitely support the information on the Registry that is in this document. The transition period when applying for the Registry and I think that I am very much for accurate data collection. It is my understanding that there is no charge for applying to the Registry at this time. I think that is a great idea.

Comments received at the Reno Workshop- October 3, 2008:

Joanne Everts, Washoe County School District: (Supports The Nevada Registry, sections 10 and 26 in LCB file # R032-07 and sections 81 and 82 in LCB file # R112-06). I would like to speak in support of the Nevada Registry. Nevada has made incredible strides in the past 10 years looking at support of professional development for Early Childhood and Education. The Registry has come out of the whole professional development system. In the regulations, they are asking for all people in the workforce in Early Childhood to be a part of the Registry. This is a very important piece of our professional development plan for Nevada. Over the past few years, we have developed scholarship programs with supported improvement for child care centers. We have assisted all kinds of programs from family daycare to child care centers in meeting their goals for improvement and quality of our workforce. The Nevada Registry provides a system for all participants in Early Childhood who work in Child Care Centers, family child care, any programs that work with young children, to provide their educational and training experience in this system of data collection and the repository for information. This helps each individual save their past experiences so that they will be able to build this portfolio of their training and education. It also contributes to the quality of our workforce by letting us know what training and education people have and the types of training and education that they will need. States across the country have registry systems, such as this, and it has helped them to improve their workforce. It is essential for the Registry to be mandatory because that way we are able to have all people who work in Early Childhood provide their information so we know what the needs are within our workforce. It also provides a great system of access to training. The Registry website I think has become a place that everyone goes to find out where their training is, what is available, it is assisting trainers to become better at what they do to provide the kinds of training that people need across the state. It is a great tool for all of us who are in Early Childhood Education. It is also a gateway for scholarship programs, for other kinds of programs, such as, providing materials to child care centers, all of those types of programs use the Registry as a gateway so that we know who is getting those scholarships and we have a way to collect that data. I wanted to provide that support for the Registry. I think that it will help us to provide a workforce that is well educated. I think that the future of Early Childhood Education is one that is critically important in Nevada as well as the country, because obviously the first 5 years of life

are critically important. All of the wonderful professionals that work in our state in Early Childhood Education deserve this kind of support from the Registry.

Bert W. Wells III, Institution Director: (Concerns with section 36 of file # R112-06) I wish to make comments with regards to the proposed amended regulations that pertain to the 432A of the Nevada Administrative Code. Section 36, paragraph 6 as written will have an enormous economic effect on our facility to the point that we will have to make enormous changes to our normal way of doing business with regards to transportation of children. On school days, on average we do up to 25 to 30 runs with children throughout the county. This includes driving children who missed the school bus to school, driving children to school which are not service accessible buses, driving children with appointments to school, driving children to football practice, basketball practice, school concerts, and a variety of other related transports. I assume that dropping children off at these places will constitute the destination, as written in the regulation, and to comply with this regulation I would need 2 staff members in the vehicles to whoever drove to these events. We 68 [unable to understand], and we truly have 4 or 5 on the road at the same time. This would require an unacceptable increase in personal costs for our facility. Let's look at paragraphs 5 and 6, it seems like overkill to the serious problem that is being addressed of children being left in a vehicle. Obviously there is a belief that this problem has gotten so big that it needs to be addressed within the regulations. If in fact this needs to be addressed, these are my recommendations. Number one, my preferred recommendation would be to make this requirement for vehicles which carry more than six children at a time. Number two; my second choice would be to have the requirement for a sweep only each time the vehicle is returned to the vehicle as assigned to. Number three; the very least reduce the requirement for written verification at each destination to one staff instead of two.

Secondly, section 40, paragraph d, requires all personnel apply to the Nevada Registry within 90 days of commencing employment. This requirement does require a significant increase of paperwork in margins for our facility. In addition, the Nevada Registry has enormous focus on Early Childhood Education and as you are aware, the focus more today is more toward the children. I am also concerned, if it is legal to require certain information be provided, i.e. demographic information, such as ethnicity, I am not sure if it is legal to require that. The application states that it will be returned if not complete. My recommendation would be to omit shelter care child care institutions in this requirement. I would also concur with the statements that the last two people have spoken. Thank you for your consideration for these recommendations.

Carol Levins, Child Care Director: (Concerns with Section 21 of LCB file # R032-07). I am at Creative Kids Learning Center in Las Vegas Nevada and I have a couple of points that I would like to make. One is regarding the ratios. The 1:13 that is for 4 year olds and 1:12 for the 3 year olds. I feel that the developmental difference between a 4 year old and a 3 year old is more than one child extra in a group. The 4 year olds can follow direction a little more independently and solve problems more independently. I would think that there is at least a difference of 2 children in a room to get that kind of control, care, and activities that you could do with twelve 3 year olds. I propose that maybe they could consider 1:14 for 4 year olds. The other statement that I would like to make has to do with director qualifications and grandfathering people that are already directors. Under the old regulations, they would qualify with a CDA. Now they also have to have 9 college credits. At least in Las Vegas it is difficult to get those credits. The classes are

either unavailable or full. The time factor that it takes for a director to get those if they are working full time, it is more than a full time job to direct a facility, to be able to leave that facility, and take classes. There are 41 states across the United States that accept a CDA only as a director qualification. Nevada certainly would not be in the minority with accepting that. The part about grandfathering in that is difficult for us in our centers is that we have 9 centers in Las Vegas and sometimes, either for business reasons or for the individuals personal reasons, we will do a transfer of a director from one of our facilities to another one. She may have been a director for me for 20 years and she won't qualify when she transfers to another one of our facilities. That is a hardship; not only a hardship in getting someone new, but the hardship of making someone that may have moved 30 miles away having to drive back to the original facility that she has worked at because she won't qualify at another center within our same company. Thank you.

Cindy Johnson, Office of Early Care and Education: (Addressing Workgroup Intents on section 21, LCB file # R032-07). I was the facilitator for the ratios workgroup and group size and we had folks from Creative Kids on our workgroup and we did a lot of negotiating back and forth. We gave a letter of support to Licensing and we talked about what the national recommendations were both by the National Association for the Education of Young Children and the Caring for Our Children standards and recommended ratio for 3 year olds is 1:9 and group size of 18 and for 4 year olds it is 1:10 with a group size of 20. I wanted to point that out and for the record, say that I feel like we really made some compromises on that and 1:13 is pretty good.

Andrea Doran, Child Care Director: (Addressing Workgroup's Intent on Section 11, LCB file # R032-07). As a member of the Director Qualifications workgroup, we had a myriad of different representatives for childcare in professionals to directors to childcare workers. In regard to qualifications, as a director with my master's degree, I am working on my PhD, I wanted to put out there that the quality of care that we provide as advisors to parents, as advisors to staff in dealing with children. We made a lot of compromises as well. I think that the qualifications could use to be more strict, if you will. I understand that the recommendations, with regards to hardships transferring and grandfathering. As a growing field, it is difficult to remain static and we need to think of how we are going to move forward and do the best for kids.

Alice LeDesma, Washoe County Department of Social Services: (Concerns regarding section 9, LCB file # R032-07) I have two comments. One is a particular section, 432A.250.4.d; it has to do with shade. The change in regulation, specifically reads, 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. This does not provide for a mixed amount of square footage to determine a capacity for outdoor shade. It would be flexible or fluid for that number and I don't know how a regulator or a provider would be able to determine the amount of shade per square footage that they would need to provide. It would change with the amount of children that were out at the moment. My second comment is an observation of what is happening. Without some structure to the public hearing, the workshop, and some direction of what is going on with the regulations, the people who are in the audience do not know how to comment. They don't know what regulation we are talking about and they cannot give a specific comment, because there is a lot to go

through. They are confused about it being an institutional reg., is it a special event reg., and does it apply to me? That is what I think we are experiencing right now. If we don't go line by line, although it is cumbersome, they don't know, is this where I should get up and talk? And they don't know is this where I wanted to say what I wanted to say? It is just my observation.

LouAnn Russell, Child Care Provider: (Concerns regarding section 21, LCB file # R112-06). I would like to talk to the board today as a private citizen. I do agree that we do need some changes in Nevada, but until we get to the point where on R112-06, section 21, that lists three pages of exempt programs were the biggest part of these children or the state of our children attend; that's not fair, it's not right that private industry has to be more restrictive than what the municipality and the county and the state programs that we tax payers put money into. I will not budge on anything until that is addressed. Thank you.

Cher Allison, Child Care Provider: (Concerns regarding section 21, LCB file # R032-07). This seriously affects our program because in Montessori programs the ideal is to have larger groups instead of smaller because we believe in mixed age groups and we believe in building the independence of the child. The older children are helping the younger children so we typically have children ages 3 to 6 in one classroom and in order to get accredited with the National Montessori Association we are supposed to have no more than 2 adults in a room of 28 children. We cannot get accredited with our organization and we understand that. We know that it is not going to happen. With these ratios, I am concerned that it is going to seriously undermine the purpose and intention of our educational system. I feel that we have a really high quality program for children and I have received a master's in Montessori education and I stand by what we do. These sort of ratios, the children become increasingly more dependant upon the adults is what we have found. I wish that I had been a part of this group. I want to clarify; if I had a 2 year old outside with a group of 60 children, how many adults would have to be out there?

Jane Hogue, Head Start Director: (Concerns regarding section 21, LCB file # R032-07). Early Head Start and Head Start have regulations and standards that have been really a bench mark for quality for many, many years. We currently had to move, to a temporary site, two rooms, two classrooms, two groups of 8 infants and toddlers because a building is being built for us. We can only find one large room and we did divide that into two well defined spaces to accommodate two groups of eight children using low shelves, dividers, different things can be used but it was very...we didn't have to buy any additional pieces of equipment except for a gate because people needed access to the bathrooms. It was really easy for us to modify the space for 2 well defined groups. I am in support for the regulation to continue that for well defined space.

LouAnn Russell, Child Care Provider: (Concerns regarding section 21, LCB file # R112-06). This is a perfect example why I stand against the exempt programs. Boys and Girls Club openly advertised that they use volunteers year after year after year of young children raising the children. This is not appropriate which again we need to look at. I feel like I can stand up and talk against that entity because my first formal training in another state was with Boys and Girls Club and it was nothing like I find in Nevada.

Tammy Hutchinson, Child Care Director: (Concerns regarding section 21, LCB file # R112-06). (Support for Section 21, LCB file # R032-07). I would like to state that the group reviewed

quite a bit of research and tried its best to make a decision between what we all thought was best practice versus what was realistic for the centers. I think that we have come to a good compromise. I do, however agree with LouAnn and some of the other statements that it is prohibited and restrictive to the centers who are trying their best to provide quality care for children and especially during summer and off seasons. They cannot compete with other programs that aren't licensed or regulated that we have personally witnessed with groups of 30 or 40 children with TH counselors. There is no regard to ratio, safety, being around water, and that type of thing. When we are all working hard on these regulations to do what is best for children, it is disappointing and almost a discrimination against the facilities that are trying to do the right thing when we see safety is the most important thing when it comes to children. I do agree that the Boys and Girls Club and programs like that should have to follow the regulations.

Joanne Everts, Washoe County School District: (Concerns regarding section 32, LCB file # R032-07). Because many of us have a lot of students that work in our programs or that were given a semester, they are there a period of time and I haven't actually calculated the hours for some of them. I know with the school district we are required to, you know if they are under 18, they don't have to meet volunteer requirements and if they are over then they just have to fill out a form that actually gets the background check. We always require the TB tests, but I think that putting that 15 hours does sometimes cross over those student teaching as well as student interns.

Kathleen Cooke, Child Care Provider: (Concerns regarding section 32, LCB file # R032-07). Are they allowed to be with the children to take 6 or 7 children out on the playground, but then again, we put them in a position of supervision and so do they have to have all requirements that the county and state require, again work permits, TB tests, CPR, Child abuse classes, infection disease...I guess I am just trying to find out what the ramifications are going to be based on their age and the amount of time they spend with us. I can see it could be prohibitive for the volunteers to come in if it is going to be expensive just to have them there 14 hours a week. I think that needs to be taken in to consideration.

Kelly Gonzalez, Child Care Provider: (Concerns regarding section 32, LCB file # R032-07). I am just wondering if it could perhaps be reworded with the volunteer issue that if a volunteer is not going to be left alone with the children why would we have to go through the process of submitting that? If they are going to be left alone then I would understand that you would have to submit that.

Colleen Petrini, Child Care Provider: (Concerns with Section I would like to recommend that it be changed to 9 hours in a day. Then we will be giving children 1 meal and 2 snacks, because on a realistic point of view if we have to give them 2 meals we will all become acceros in the morning and we will totally be serving breakfast from 6:30 to 8:30 because parents will feel like it is part of our program. They will no longer feed their children at home and we will be giving them, not that we don't give them 2 ample snacks and a hot lunch, I would like to see it extended to 9 hours.

Carol Levins, Child Care Provider: (Concerns with section 07 on page 37 and section 25, LCB file # R032). , I believe that this is the grandfather clause for directors in facilities. I want to clarify that it means that one year after the effective date, these graduations take place, you can

transfer to any facility, you are already a director, you can transfer to another facility without meeting any requirements. Once that year is past then you have to have the amount of college credits and all of that. That's correct.

Carol Levins, Child Care Provider: The section regarding the different qualifications for directors, there is one that says having a combination of education and experience which in the judgment of the Chief of the Bureau is equivalent to that. That leaves it rather open for your discretion? I literally have people that have worked for me for 20 years as a director and they are really concerned that they won't qualify. That is a real concern for our administration.

Carol Levins, Child Care Provider: (Concerns with Section 2 of section 27 in LCB file # R032-07). The assessments for children that include school aged children, is it just me when they say each child talking about preschoolers? Because a second grader, he is being assessed in his report card that he is getting at school.

Margot Chappel, Head Start Collaboration Office: (Speaking to the intent of the work group, Section 2 of section 27 in LCB file # R032-07). What I can speak to here is the intent. We didn't necessarily address age groups when we were addressing this. I don't remember us talking about age groups specifically. The intent behind this section is that a caregiver or a home care provider or a center director, their staff would be familiar enough with their children and we made it very open ended so that even if a surveyor finds sticky notes saying that this child did such and such on this date, at least we know that each child in being paid individual attention. Then you know where they are in their sort of little process. You know their individual interests and that kind of thing. That was really the intention behind it. We didn't put a lot of definition around it so it was very open ended.

Comments received at the Reno Workshop- October 4, 2008:

Chera Wolfe, Family Care Provider: (Concerned with Early Care and Education Program, Section 2 of Section 27). My concern would be from the reading I'm getting is that it is really in depth. That you are requiring for each child to have its own little lesson plan on how I'm going to help them develop. For me to have 5 children and to have time to do that, it would be taken away from actually doing the program or curriculum with the children. I'm a part of the Northern Nevada Child Care Association and I have my degree and I can put together lesson plans, but a lot of child care providers don't have that knowledge of how to go about putting together a lesson plan. They are putting together what the children need to learn but they don't have that ability or knowledge to do that and are not sure where to go with that.

Lia Reynolds-Bain, Family Care Provider: (Concerned with Early Care and Education Program, Section 2 of Section 27) I agree with what Chera is saying to me I interpreted the section to read something quite in depth as Chera said. I would like clarification on how in-depth you would need it and if there needs to be a daily curriculum and it recorded or is there a general flow where all the kids can be mixed in. I'm a former 6th grade teacher, to make a lesson plan for 6th graders took me about an hour and half to do preparation to get everything combined and we have been trained by a teacher to do that, to set individual plans for kids, but for a provider to do that, individually based is a lot of work. For me I would do that on the weekend

which would take away from my time I spend with my own children. Having a plan is great, but something so specific would be unreasonable.

Marci Behmaram, University of Nevada Reno: (Referring to Section 2 or LCB file # R032.07)

I work here at the University and with campus Child Care connections and part of my job is providing support to family child care providers and I think the sticky point you need more curriculum....you are already doing curriculum, really if you do individualized and if you put out toys that are stacking because that is what the child is interested, you would just have to document that. It is not that it is anything extra beyond; you don't need to purchase any separate curriculum. You're already doing it; it is just going to be the documentation. So it is not in depth as the school district because I have seen those lesson plans, they just want to see there is wording going on and that is what the regulations are here for. Because you are doing it already and there is other family childcare providers and centers who are not. So this could be a way to show that it is going on. I don't think it will be anything that you will have to go above and beyond, that is my understanding. But the one thing I do agree with and I think Chera was talking about it, when it talks about assessment screening tools and assessment plans. Assessment plans are separate from assessment tools and when I'm reading it, it is all mixed and it makes it sound.....there just may need some clarification in the wording a little bit, so either you're going to do screening tools and assessment or maybe not even use assessment plan or something different to get to that part of it.

In addition to written assessment plan, which was developed within 3 months of a child enrolling into a facility assess the child without limitations, portfolios, observations, checklists, rating scales and screening tools and I think it needs to be or and that they are expected to do everything. Just change the and to or.

Chrystal Swank, Truckee Meadows Community College: (Referring to Section 2 or LCB file # R032.07)

I'm a professor at Truckee Meadows Community College in Early Childhood Education and that is the hat I'm wearing right now but I will have other hats as I'm sitting here today. Truckee Meadows did a program review recently and made revisions and added some new courses. One of the new courses we added is observing, documenting and assessing a young child that is a 2 credit course that will teach people how to do various types of things and others. So, there is some access at least for Northern Nevada and eventually be online. This might also point to an additional training that people could support.

Marianna Ashley, Child Care Provider: (Concerned with assessments, Section 18 in LCB file # R032-07).

These records are going to be accessible to the inspectors coming in, what we are going to do for the parents because of confidentiality. Normally inspectors would come in and check their records for immunizations, etc. Are we providing something to the parents stating that since you enrolled your child into the center, your child's education and development is open to inspection? If I want to talk to a school district about my children, that has to be in writing. I just want to know what kind of plan there is or is it just because they are enrolled the records will need to be inspected that just nullifies the confidentiality.

Chera Wolfe, Family Care Provider: (Concerned with section 66 in LCB file # R112-06). I'm going to talk about section 66, R112-06, mainly part b where it states that any children that are

required to reside in the facility who are less than 6 years of age will be counted in ratios. My concern is how child care providers are doing this in order to be home with their children and are going to have to count their kids and cut down. I have two children right now, based on when this will be taking effect, I will only have one that this will effect, however I plan on having another one. Which means I go from 5 kids down to 3 kids and it would significantly cut my income down? I do understand where you are coming from with other providers who don't have children of their own at home and how is it that I can care for seven children and they can only care for five. But in essence there are a lot of home care providers who are doing this just to stay home with their children. If they end up doing this, providers may look at going back to work.

Marci Behmaram, University of Nevada, Reno: (Suggestion in language change, section 66 in LCB file # R112-06). I would like to see 3 years or even 2 years of age. I'm in providers homes and I do see that it very difficult for them to balance really young children than it is with the old children. But what it seems as once they are 2 years of age they are doing their own thing, they understand cognitive development a little better. It works a little bit better and I understand what you are trying to do with it and I know there are providers out their with 5 or 6 of their own children under the age of 6 and they have more children on top of that and there 1 % and that is just way to much. So maybe it is just the age that could be changed in order to accommodate what social services sees out there and the general public.

Crystal Swank, Truckee Meadows Community College: (Referring to Caring for Our Children to support language change of section 66 in LCB file # R112-06). It talks about the critical nature of the relationship of the first 24 months of development, when the when the care and quality of improvement which shows are small and the reactions are growing over the ratio for 3 or 4 year old children, like these are more important ratios, we will talk about that. The recommendation is that if it is identified as a small family child care home vs. a large family that would be our group home with 6 kids in care. If the small family child care provider has no children under the 2 years of age, in care, then the small family child care home provider would not have 1 to 6 children over 2 years of age. It talks about if they have 1 child under the age of 2 or 2 children under the age of 2. It does not speak to whether or not to count your own. But I think that the recommendation that they have is to look at the total group, the total ratio, including all children because they are pertinent to the relationship.

Marianna Ashley, Child Care Provider: (Concerns regarding Section 21). I apologize, I do not have the regulations in front of me, but I wanted to discuss group size. I understand the reasoning behind group size, but the kind of group thing is day care. I don't think every child care center kind of fits in that role. Our particular center's philosophy has been mixed age and sibling orientated for quite...from birth for very obvious reasons. Most of our children who are at the elementary age have been with us sine they were toddlers. So I have lots of children who go through our center and stay for 10 years easily. The way we have it set, for example, our infant-toddler group, though we have been license for 10 children always, even though the floor space says we can have 10 children, that is just ridiculous to me. We always only have 4 children. Our 4 children stay together as a infants and toddlers and they grow up as a group. Sometime it is too good of a time, because some of the infants are older. But they fit in the group size. There is some question about dividing those under 1 from the ones that are older. There have been some questions about that. Then other children, the way our mixed age group is

I wouldn't be able to have my own three kids there. I have a lot of elementary kids there so it totally changed what we are doing and though I understand what is going on, our ratio is a 10 to 1 if we max. It would be 8 to 1 even with all those children in that mix? But when the rates are set up, I am going to have to change a lot in the way we are doing...I don't know if there is a grandfather clause in that or are we going to have to totally change, because I don't think we will be able to operate the way we have been operating.

Carolyn Hansen, Family Care Provider: (Concerns regarding section 36 in LCB file # R112-06). I am a home day care provider. I just had a question on transportation; because we are kind of seem to be grouped with the facility name. I just want to make it clear that I can transport my kids in my passenger van. I just have to make sure that my car seats are installed properly and that I have all that great stuff, that I have my insurance and everything. And I drive myself, so...here it says that you must document each time you leave and put the kids in the vehicle, put the kids name down and document when you are gone and document when you come back and have someone sign off for each child that got out of the car. Is this supposedly for centers or is it for home based businesses too. Because I don't have any witnesses to show that I am taking the kids out of the car. It has been twenty minutes and we are back from picking up kids from school. And that each kid is getting out of my car. Do I need to document every time that I place kids in the car on a daily basis?

Lia Reynolds-Bain, Family Care Provider: (Concerns regarding Section 9 in LCB file # R032-07). I would like to talk about regulations in 07, page 6 (d) of number (4) play areas- Could the shade of your house be efficient enough or can you actually have just a tree. I was just confused as what would create shade.

Greta Brown, Washoe County Social Services: (Workgroups intent discussed.) This regulation itself created quite a bit of discussion, and that was the big part of it, what constituted shade, is it shade from building but really it was not the shade of the building, it had to be a shade area. It doesn't say a structure; you do not have to put up a awning or anything like that. It is really vague so it would be lift up to the interpreter. The problem with using the house as shade is it is only during the certain time of the day and dependent upon what shade structure is being put up, that would only protect during certain times of the day. So as long as long there is shade adequate for 5 square feet per children for all the children then it will be alright. Using the building was not really adequate.

Lia Reynolds-Bain, Family Care Provider: (Concerns regarding section 9, LCB file # R032-07) If we can continue on the servicing, page 7 (e), it is asking for servicing underneath any elevated play equipment that will extend with a six feet perimeter. That is going to be expensive I know that there are many ways to do with rubber bark or rubber surfacing. That for me as a provider I would have to remove my equipment and just allow them to play without any out there like swings or what not, because I tried to set up something with a 6ft perimeter would be right smack in the middle of the my lawn and it would be a shame to take away their equipment they already have which I hope I have created a safe space for them. I have not been asked to do anything different by my social worker. But I don't know about this, this will be tough to do just like the shade with a small yard and money, maybe if there are funds to help us.

Margaret Oberg, Family Care Provider: (Discussing concerns regarding section 9, LCB file # R032-07). I just wanted to say one more thing I went through this when I went through accreditation and they actually required that too. But I was really happy to find out what they mean by a moving surface is just anything that gives and doesn't necessarily have to be something soft. It is just the way they determine whether it was acceptable was they had an 8 ball that was actually the weight of a small child's head and when they dropped it, if it was able to give, that was considered a resilient exterior. Surface rock, something that qualified was something like what they put under the surface of a road. And this was like soft pebbles it is actually not comfortable to walk on but it gives and they have never had a child hurt themselves.

Chera Wolfe, Family Care Provider: (Suggested Language change for section 9, LCB file # R032-07). So for this one for the depth of the resilience I would recommend keeping it as vague as possible but instead of saying "which extends at least six feet" I would put it "per the fall type for the type of equipment".

Chera Wolfe, Family Care Provider: (Concerns regarding Section 9, LCB file # R032-07). I would like to continue and move with, I would like to talk about in the same section for the degrees for the temperature for your house or center. Page 5, talks about not having less than 65-82 all year round depending on the time of year you have your heater turned on. And it says, I am just concerned on how you are going to regulate that. Are you going to go off what my thermostat says or are you going to bring a thermometer in and stand in the room I am in with the kids to make sure that is how it works. Because my concern is that in the winter time, my thermostat is set at 65 degrees for the house, but when the kids moving about in the playroom, the room that we are in, it does not stay 65. I make sure that I have babies that are staying warm, they are comfortable and that they are not too cold. But to try and maintain that temperature, I just don't know how you are going to regulate it. I just want to know how you are going to regulate it.

LuAnn Russell, Child Care Provider: (Concerns relating to Section 6 of LCB file # R032-07). My intent was originally was 1-6, 2-20, 3-30, yet we didn't talk about so little language. I think there was a miscommunication or so my understanding on that board. The final decision came down, I was out of town and I was not available that day. The board did know about that at that time. So that is my concern about that. The way this is listed about older children, I would not be able to have them swim at all. It is not cost affective at all. We are also regulated under private care with the swimming is a \$1000.00 a year just to swim extra liability insurance. The workman's comp difference between a child care code and a child day camp code, the child day care code is a 1.3 rate where as a child day camp is 5.19. It is extremely more expensive to choose to run a licensed summer recreation program. So, changing the ratios to lower and I have a problem when they go to seven and older, that ratio should be 1-10.

Comments received at the Las Vegas Workshop- October 17, 2008:

Cheryl Brecheisen, CSN/The Nevada Registry: (Comments supporting higher education) I have several organizations, most of them With the Nevada Registry on the Advisory Board, I am with the College of Southern Nevada on their General Childhood faculty and I was on the workgroup for director's qualifications and that's the issue that I want to say something about. I

know that there has been some issues and some talk about the idea of upping the higher education qualifications and finding some experience count equal to higher education qualification. I just want to support higher ed. by saying that taking higher education courses does not mean that your experience is bad. What higher education should do for you is help you to understand why you do what you do, because a lot of people out there do wonderful things. So higher education just gives us the research background cause we know in our country today that's really an important thing, we have to back it up with research, got to have statistics, we got to have names. I think we want to make this a profession opposed to a babysitting job; that's something we need to do. Talk to parents, talk to administrators, talk to people in the media, and have this philosophy and that philosophy, and this research say and that research say. So what higher education is going to do for you is help people have some of those backgrounds so that they can speak well and support and be an advocate of early childhood and education. Another thing that it will do is give you a wider range of things that are available in the field, other ideas or philosophies to help you to expand your own knowledge. So that you can say gosh this works and kids like this, but say well lets try this and maybe this is a little more developmentally appropriate, and give the directors the ability to expand their own knowledge, and then apply and help their staff members learn also. Yes higher education you have to go to class and there is homework, but there are a lot of benefits to.

Crystal Pena, Director of Creative Kids Learning Center: (Concerns regarding Director Qualifications in LCB file # R032-07, section 11) I would like to touch base on what Cheryl Brecheisen made on the directors qualifications. What I experience is ... here to speak out for potential directors or directors who qualify just with a CDA. I am currently in CSN right now, two years I have been taking some classes there and also in the TEACH program as well. I have been under contract with them for two years. The reason why I am here is education is extremely important. I've been blessed with the opportunity to have the knowledge, background and education to further with what I know as my experience in early childhood and now I am given the knowledge to back it up. One thing that I did want to make a comment on is the time frame that you are requesting under the regulations which is Section 10 on page 7, NAC 432A-300. In order to be qualified as a director they have one year to get 12 credits in Early childhood, and is it possible; absolutely. I am here to state is right know with the economic status it is easier to just, the TEACH program is not easy to get in. But its not like you can fill out the application and you get the scholarships. Right now in order for you to take classes at CSN the prices have gone up. Say about 6 credits a semester will cost you about \$450 including books. I go and take about 6 credits. I go Spring, Summer, and Fall, nonstop without a break. I feel that if somebody did that it would probably be too much for one person to try to finish in a year, it would be overwhelming to the point where there are unable to hearfocused on trying to get the grade;unable to hear.....to meet the requirement within one year will the quality of the program go down in just because of their mindset is going to be overwhelming as too much. Like I said it's hard I'm work full-time, I work for Creative Kids as the director for about a year and a half now, I also work a part-time job as well and I also go to school part-time. So trying to juggle all that is extremely hard. In other words I have no time for myself or my family. I am determined to finish school and get my degree and would like to even get a Bachelors degree in Early Childhood. But it does benefit everybody having the knowledge and education and makes sense when you see something and say now I understand why that child did that. I would like to make a comment regarding the time frame. We've got one year and I am just requesting if you can

extend the program because it's hard with time and the economic to be able to get 12 credits in one year. Also at CSN some of the courses were cancelled due to enrollment. I experienced that one semester; I have tried to get into the Early Childhood EE240 for the past two years since it started. I was just offered this semester and no-one was enrolled. First day it had enrollment, and one week prior to school starting in August 25th, I got a phone call stating the class was cancelled due to enrollment. I called and yes they are going to offer that course next semester. But some of the courses are not offered every semester. They offer every two years just because if you are not going to get a degree or an Associates' is quite fine with a Directors emphasis. They don't offer the curriculum for special needs but every two years adapting the curriculum of special needs in early childhood so it's hard to get into a lot of these classes right away. So if they're not offering it this semester and that in my opinion is a Director should takeunable to hear.

Sofia Orndoff, Director at Creative Kids Learning Center: (Concerns regarding Director Qualifications in LCB file # R032-07, section 11) I am also a Director with Creative Kids Learning Center qualified through a CDA. I've actually been in business for over 20 years and I believe sometime in my life seeing teachers come and go even the best of them with degrees don't have the knowledge in the schooling as the teachers that have it in-house, that have the experience hands-on; where that's where I am coming from. I run an extremely successful school and me going back to school right now, I have two jobs; seven days a week, with the economy right now even with my husband working as hard. So do I pay my mortgage or do I go to school? Education is very important truly it is. We expect our teachers to have lots of education as well, but again the time frame would be very hard for me being that I work seven days a week. And for me to go back to school would then that would mean possibly my school suffering, me not being there and I can't afford it right now. So if you would like to think about that part as far the experience going in to it for the education would be extremely hard for me right now. If you would like to come and take a visit and see what I have to offer its amazing the school, and no concerns, no complaints, it a beautiful school. Like I said CDA, toddler CDA; I just can't find the time right now to go to school, but again it is important but the time is just not right. So if you guys could look as that as well. Thank you.

Sandra Wilson, CCDP: (Director Qualifications in LCB file # R032-07, section 11) I was on the workgroup for director qualifications; I work for Child Care Development Program. I have been sitting there looking hard for the Section. Just so you all know you're panicked about the 12 credit units. All you who are current directors are grandfathered in; there are no requirements for you to take college classes. If however you leave your present job and apply to be a director at a new location, then the 12 credit hours come in to play. In addition there is the time from when we're meeting today till when actually this is approved and then there's the time when this actually becomes a law. It's actually a long period of time and then after that there's another twelve months which is what the year says. So all of you are reading these requirements now and it's giving you a heads up. So you can yes enroll in college and maybe take one class and maybe you could take a class in spring and skip summer and maybe take a class in the fall. It's just letting you know right now this will be a requirement, if you are interested in early childhood and you like the field that you are working in. You need to know that this will become a requirement and to start thinking about how you are going to get your educational needs met. But as of now if you are currently employed these requirements to do not apply to you; its only if you change jobs.

Ron Barakat, CCDP: (Support of all proposed regulations and The Nevada Registry) First of all I am in favor of all of the regulations and just wanted to say that to start off. I am more here speaking on behalf of Nevada Registry and I am really in support of the mandatory participation we've heard a lot today about education and training requirements that are up and coming or being proposed and the Registry is a huge part of that and supporting those guidelines. They will track and guide professional development on an individualized basis specific to early childhood education, specific to individual needs, mapping the outcomes for these folks. The opportunities the website offers is a tremendous amount of resources for not just going to school in person but a variety of different online needs or courses that can really support these goals of individuals. I mean we really as professionals of early childhood education focus on we don't get paid enough, we're not valued, we're not seen as professionals, and yet we want that and demand and we need to step up to basically earn that. We earn it everyday in our work but we also need to have the backing for it and true education does not always equivalent to successful outcomes and skills and styles of teaching and working and care giving for children. But it definitely lends a huge amount of support for that. Children, families, professionals, practitioners of early childhood education that is what we are looking at here. That is the outcomes, we're looking for a colleague programming, successful outcomes, not just for the children and families, but also for the professionals in this field. The Nevada Registry has truly organized an entire state system for training, that's inclusive of clearly defined carnage area and these carnage areas are wonderful guides for these individuals who gain not only access to ongoing education but specific to their interest and their ability, enhancing their individual skills. Not only that but there is a plethora of other kinds of databases and data information that they collect that will be supportive to statewide evaluations systems, national organizations, and information outcomes, and just endless amount of information. I think mandatory participation would really help and support especially the last several individual comments that have come up have been asking how can get there, how I can achieve this, what I can do to get these resources. Also I work for a child care development program and I know that money is an issue and financially education can be challenging, but then again there a lot of resources out there that Nevada Registry can steer these people to, and where I work particularly offers almost and endless supply of college set money and funding that can really support that. It's not truly endless but I like to think that it is. We've been able to accommodate just about everybody person who's come in with a need and individualize their successful outcome. So Go Nevada registry, go to Nevada Registry, everybody should be Nevada registry approved. Nevada Registry is also looking at working with the CDA counsel to coordinate some type of approval system where that will also steer into and there would be a connectedness to helping support the CDA second setting achievement with belonging to a local organization. Truly I can't understand why anybody would argue against or not be in favor of the Nevada Registry or really truly any of these updated regulations.

Whitney Leathers: (Support of The Nevada Registry) First of all I would like to say that I support what Ron has to say about the Nevada Registry. I would also like to comment on the availability of scholarships, we've recently grown and we have scholarships available to help people get those classes that they need for the new regulations. We assist with books, tuition, paid time off, for those families that are trying to get school taken care of, if they are a teacher. As far as getting on the scholarship we have an approximately six week turn around from the time we date a completed application. So people have time to plan ahead a couple of months

ahead of time, they can get there application in to us and we can get them on for the spring. Also as far as class availability and classes being cancelled, I know that there are four community colleges here in the state and if you are going to CSN and a class is cancelled you can also look and see if the class is on line from Truckee Meadows, Great Basin, and Western Nevada College and Truckee Meadows Community college has there entire Associates Degree online for Early Childhood.

Belinda Kelly, Child Care Provider: (Concerns relating to ratios, LCB file # R032-07, section 21) I have been in this field for over 28 years. My concern is the parents, I agree with the ratio change, but my concern is where is that going to leave our parents. Right now you have more parents not being able to afford child care; they're putting them into babysitters that are not licensed. We have a lot of kid's parents that receive subsidy through EOB, who do not provide or pay the providers rate; which is also an issue because you are taking a cut there too. So now we are going to lower the ratio in the classroom and the problem is that some ofUnable to hear....takes that cost difference there to bring another teacher in. And what's going to go on is it will be going to the parents. So if you can even look also where the parents are coming from, you know we're going to look at more latch-key kids. Staying home with the babysitter, you're seeing that now today they stay alone. We had this one week when nine parents got laid off of work. It's something that we really need to look at, what are we going to do as far as those parents go to what they are going to be able to afford. I think that a lot of them can't afford it, and they are going to go for less quality care.

Trisha Dombrowski, Family Care Provider: (Concerned with family care having to count their own children, LCB file # R112-06, section 67) I have comment about the in-home day care centers. I am licensed for six full-time kids, three kids technically before and after-school. Now you guys want to change that and count my 4 year old of my six full-time kids. I don't agree with that, with the way that the economy is and who knows how long its going to take to get this all fixed for everybody to be making the money that we should be making. I don't want be having to count my own children toward one of my six full-time kids, and if I ever get pregnant again and have another kid but trust me that is or, at that rate I might as well just go get a business license and be able to watch four kids out of my house. I've already had to go cheaper on my prices because parents right now don't have the money to pay for daycare, so I don't agree with it. I kind of agree with the other lady what she said to, there's plenty of people out there that are not licensed watching kids out of their house but are getting away with it, and there's people that are licensed like me and other people that are doing it the right way and doing things the proper way and not getting into trouble, and the people that are not licensed are not getting into trouble. I don't agree having to drop our ratios.

Gary Vause, Owner of Child Care Center: (Concerns relating to ratios, LCB file # R032-07, section 21) I lived a Las Vegas along time; I was born and raised here. We operate Little Scholars Child Care Pre-School and with other programs before and after-school programs childcare and kindergarten. In talking to some of the other operators there is a misunderstanding about this meeting today. Everybody thinks the meeting is on November 7th. I am not sure what happened, I don't know if there were duplicate notices sent out or what. I am not sure I know what the purpose of this meeting is, other than to let people come to vent. I mean can somebody tell me why this meeting was called and then a subsequent meeting was called and why people

don't really understand this meeting wasn't going to be held. I think we all agree, that everyone in this room agrees that they are now going to raise the cost of delivery of child care services. The question is the benefit of more cost does that balance out in any way shape or form. Usually in this dynamic you have an outcry of some sort from the public if you will or comparison who are unhappy with the level or the style or the child care service that they are receiving and ask you as regulators to step in and do something; and that hasn't happened. We surveyed our parents and our parents are not interested in having their child care fees and cost increase. As far as we can tell they are happy with the level of child care services they get now. So, I think all of us, every one of us would dearly love to increase the level and quality of child care. We have to decide whether or not in doing so are we going to price people (parents) out of the ability to afford child care. If that occurs not only do we lose them as proprietors as providers but they go into some system that is not regulated, or inspected. Now you have no control over ratios or the level of care, and you know what happens generally when we lose them for what ever reason. The last time we had a recession in Las Vegas, which was around 9-11, we lost a lot of kids. I can remember a year later some of were saying where are those kids they never came back, and yet they're still out there and those parents went back to work. So if you drive the parents, by regulations you drive the parents into the underground or into the non-licensed and it could be even legal settings; it could be grandmothers, aunts, and that sort of thing. Then you lose the control over the quality of child care and probably I would say that probably just as good as being provided now. So I think that should be a very very serious consideration before we jump into changes, especially right now. Right now in today's paper there is an article about all the cuts, and cart & parcel that is talking about cutting the reimbursement rates, the EOB mix to us. I suppose you all know this and indifference to the gentleman that was here earlier from EOB. EOB does not pay us market reimbursement rates, and now they are talking about cutting more. I mean we are in affect subsidizing EOB students' children; by taking their reimbursement rates, when we could be receiving full payment for the ones that come in and pay for their own child care. So I would say this is definitely not the time. I failed to see how if by raising the standards, while it sounds good; and we might feel good about doing that. If we raise the price and the cost to the point where we lose children and they go somewhere else, and so child care centers go out of business. I failed to see how putting child care center operators out of business, is then going to provide and increase the quality of child care. And I think that is a very serious thing that you have over your shoulders and over your heads that you should consider before you rush forward to adopt these sorts of things. I think on balance, I think everybody would agree; well maybe not everybody, that we have a premium delivery of child care service from this in this dialect. I am not aware of any parents out there that groups up and are really unhappy. I mean there are too many other choices, and if they don't like child care at our facility then they can go down the street to another one. For those who say well we kind of like a little lower ratios and we think that's good. It's a free country they can lower their ratios. That gives them a competitive advantage; we're going to have to follow them. I mean if they can do it and make money; it makes sense in a business motto. So I would keep that in mind before you move forward. I don't think you'd do any favor to consumers of child care when you raise your costs. If you drive them out of the system, then you don't do anything for the people that pay taxes and provide jobs that run child care facilities. And certainly if they go out of the system you lose the chance to track them to make sure they're immunized, to make sure they're in the safe places, that they are regulated and healthy, and so on and so forth. Everything that we say we are in favor of can change in these regulations, but I think it would have a completely unintended opposite effect.

Patti Oya, Office of Early Care and Education: (Support of the proposed regulations, comments referring to Gary Voss's comments (refer to above comment) While I am not an expert on the topic, I can address the market rates survey a little bit. I do know that the market rate survey is completed every two years, and it can be done earlier if we see that the rates are increasing because of external factors, like a change in licensing regulations. From what I understand there hasn't been an increase in the market rate for quite a while. I believe it's been about six years. The rate is set at 75% of those market rate surveys. One of the issues that I do know is that rate of return of service in Las Vegas, I don't have the exact percentage; but it is very, very low. So in Northern Nevada where our child care resource center for ...rates, they have over 90% of a return rate. I believe I heard it was under 20% of a return rate. So that is one of the problems, and that's one of the problems that but it does need to be adjusted by the proprietors themselves; that when they get the market rate service that they return it back to the child care resource referral program. So that is an issue, and the other issue is that a lot of states use general funds from the state legislature to fill those gaps; like the discretionary funds that Mr. Vause mentioned that were being cut. It often is up to talk to the legislature and it's not really a licensing and regulation or something that's equal to that. You really need to speak to your legislature and say that we need more funding for the child care and development fund; and it really shouldn't be a link to licensing regulations because quality is quality and what's best for children is what's best for children. That's my comment on the market rate survey. I would like to make a comment on director qualifications. I was on the training workgroup, and I was definitely for the of raising the director qualifications and my first vote was just a Bachelors degree in Early Childhood with some Business Administration classes; that is the national standards. Obviously I know that's impractical and we have to kind of go down the scale and add some hours. But when we look at national standard they are there for a reason, they're saying this is what's best practiced, this is what's best for children. I do want to give an example; my other hat that I wear is an Ocelero Clark County Head Start Board Member, and nationally the standard for teacher qualifications is an Associates' degree for a lead teacher. So when you set standards people do rise to meet them. Ocelero is now at 75% meeting that requirement for teachers with AA degree. There's also a 25% that's committed to finishing there AA Degree within a year. So if you make that effort by raising those standards, they can be met.

D'Ann Blatt, Director of Little Scholar Academy in Summerlin: (Concerns relating to ratios, LCB file # R032-07, section 21) We've been licensed by the City of Las Vegas so this will only ... unable to hear.....for us to be with the State. I would like to address our parents, the bottom line is that; increasing the director qualifications, lowering the ratios, and reducing the overall class times, will increase our tuition to our families. Forty-seven parents were randomly surveyed within the last week at my school, and forty-two of those families stated that they would be adversely affected if the proposed regulations lead to tuition cost increases in child care services. Many of the comments that they made were, that they will force to find other child care with families and friends, which will lead to our children being in an unsupervised environment. Which I know is what none of us want here in this room today. Forty-three of those families stated that the economy is currently directly affecting their family. So 43 out of 47 of our families are currently being affected by the economy. Forty-two of those families stated that there family will be impacted or continue to be impacted over the next twelve months; and all forty-seven of them believe that we are currently providing quality child care for their children.

So therefore, they did not see that we needed to make any changes. I don't necessarily agree with that, but I do agree with the fact that they do not need their tuitions increased at this time of crisis. Two of the things that they stated that they look for; only four of the forty-seven stated that they look for small ratios; and two of them stated that they look for smaller class sizes. However, two issues that we haven't even talked about pertaining the ratios, were that there highest priorities were the cleanliness and the friendliness of our staff. So I would just like to go on the record today that the majority of the parents that were surveyed at Little Scholar Academy are not able to afford an increase in tuition, which these new regulations will cause. Thank you.

Comments received at the Las Vegas Workshop- October 18, 2008:

Claire Tredwell, Director at the UNLV Preschool: (Support for Director Qualifications, LCB file # R032-07, section 11) First of all I would like to commend the Board and various workgroups, who so diligently dedicated their time and effort to propose these new regulations; with the intention and outcome to improve quality of care and education for young children here in Nevada. These efforts in turn we all hope will provide the additional support for funding of Early Childhood Education in the future. I would like to address specifically one of the proposed changes, the qualification for director, 432A.300, on page 9. I've worked and studied in the field of early education for more than 25 years in Nevada; and most definitely heard and seen the concerns of professionals in the field and even more importantly the voices of families, who are extremely concerned about the qualifications of the person supervising and educating these children at centers across the state. This proposed change is just the beginning that is long over due, and will set the minimal standards for a position that requires maximum supervision of teachers and groups of children. The proposal has a feasible time line that offers six separate options within the regulations to achieve qualifications for newly hired directors. It is my understanding that current directors will be grandfathered in unless they change their current location. After reviewing the entire report of proposed regulations, it becomes quite obvious that in order to effectively implement any of the additional regulations, such as 432A.430- Sec. 18, page 24 and 25 regarding written assessment plans, child development theory and practice, methodology, and the ability to identify children with any developmental concerns; would certainly require a director to have educational background and study and coursework within this field. Yesterday there was a concern stated over the pool of applicants for a director being limited because of any proposed changes. I find quite the opposite to be true as I just completed a review of a 120 applicants for a teacher position; where a good majority would certainly qualify for a director's position under these newly proposed regulations, so qualified applicants are available here. All this really boils down to setting a standard and recognizing that the time has come is that minimal qualifications on those who have a supervisory position in Early childhood education. I'd in addition like the board to know that the statement in Sec. 23, 432A.680, page 36, #3, that discusses the role of the field administrator to train employees in quote "the legal rights of the disabled"; should be corrected to say quote "the legal right of persons with disabilities", as the appropriate form of using people language first when identifying a specific group of people and should most definitely be implemented as a part of any newly printed regulations that you propose. I will be submitting this in writing to the Board along with the next comment from Mardene Wright. Thank you.

Mardene Wright, Director of Curriculum Development at UNLV Preschool. (Support for Ratio and Group Size, LCB file # R032-07, section 21) The comments I'd like to make is regarding the ratios and maximum group size. We support the proposed regulations for ratios and maximum group size as written. This proposal is supported by researchers in the field through the National Association for the Education of Young Children. Even a well planned environment can become meaningless to a child when maximum members exceed the recommended proposal in one room. Children can make rapid growth in there social, cognitive, and motor skill areas when they are afforded space, time, smaller groups, and frequent language interactions that are calm and soothing. Additionally, obtaining accurate assessments on child development may be hindered in large groups. For example, you may have twenty 2 year old and three adults; but inevitably one of those adults will be changing diapers frequently during that time; leaving the other two teachers to monitor nineteen children. Improving these regulations of ratios and group size has not caused centers and other states to close, as was the concerned mentioned yesterday. According to a child care license study in 2005 completed by the National Association for Regulatory Administration, there was no clear evidence presented that centers had to close due to any financial burden placed on them by implementing and maintaining group size. I'm guessing that there isn't one center represented here during these hearings that hasn't been affected by the downsizing of the economy. We all have felt the effects in one way or another. The state of the present economy shouldn't be the deciding factor for future advantages of small groups and better ratios. I can think of two advantages right now for this proposal; healthy child development and teacher satisfaction.

Cindy Johnson, State Office of Early Care and Education: (Clarification and intent of a comment from October 17th workshop) I just wanted to make a clarification from yesterday, and actually give a little bit of that historical piece. Yesterday the group size and ratios during nap time and special events came up and we talked about the group had decided that we would allow for group sizes to vary during those times, so that people could nap children in one big room, but wanted ratios to stay the same. The reasoning behind that was that in any kind of emergency there needed to be enough staff in the room and available in order to get the children out in a timely manner; that's what came up during the workgroup, and that's why the ratio workgroup were so adamant that ratios be maintained during all those times. To add on to Cheryl, I know this was said yesterday, but to add to on to Cheryl's comments about formal education and the availability of classes. TMCC has there entire Early Childhood A.A. degree online. Clark County may get it this year, I'm not sure how that piece goes, but as far as taking that administrative class, that is available through TMCC online and they can take that online and still get there degree through CSN.

2. THE NUMBER OF PERSONS WHO:

(A) ATTENDED THE HEARING;

(A) 97 people attended the hearing.

(B) TESTIFIED AT EACH HEARING; AND

(B) 52 people testified at the hearing

(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

(C) 16 people submitted written statement to the Agency.

3. 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

(Answer to number 3)

A notice was sent out May 7, 2007 to solicit workgroup participants to work on the proposed child care regulations that needed further clarification, revision and exploration. This process encouraged participation including family group care providers, accommodation/extended care accommodation facility providers, center care, group care, institutional care, licensing representatives, health representatives, child care resource and referral agencies, colleges, etc. Three workgroups were formed in July 2007 to address the following issues:

- A) Safety Workgroup
- B) Ratio/Group Size Workgroup
- C) Training Workgroup

Workgroup members met for 120 days exploring, clarifying and revising oppositional regulations, completing this process in February 2008. Updates by workgroup members were provided at the Board for Child Care meeting on March 11, 2008. All Board meeting notices were sent to all licensed providers in the State of Nevada, the Bureau's mailing list and to statewide libraries. Two workshops per jurisdiction have been scheduled to solicit comments and concerns in Elko, Las Vegas and Reno, Nevada. Comment was solicited from affected or potentially affected businesses by mailing all licensed providers in the State of Nevada, a Small Business Impact Questionnaire and public notices of the 6 workshops and posted on the Bureau of Services for Child Care's website. Both LCB file numbers R032-07 and R112-06, Small Business Impact Questionnaires' and public notices of 6 workshops were posted on the Bureau's website for review and printing. Copies were also mailed to the public upon request, by contacting the Bureau of Services for Child Care at (775) 684-4463. Attachment C is the Small Business Impact Statement, which provides a summary of the public's response to the questionnaires.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

(Answer to number 4)

Attachment D is the Erratum, which are changes that were made after receiving back the Small Business Impact Questionnaires and following the public workshops.

5. 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:

- (A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND**

The beneficial effects on the public: The new pet requirements would provide a safer and healthier environment for both the children and the pets. Having a lifeguard or caregiver with similar training would ensure that there is always someone knowledgeable about water safety present with the children. Specifying types of programs not licensed by the Bureau clarifies to providers, parents, and the public which programs are licensed. The Nevada Registry is designed to serve as a back up system for professionals regarding training certificates, transcripts and other professional development needs. It will give Nevada a better picture of the ECE workforce and issues facing the field. Increasing the initial training hours will reduce the risk of harm to children. Requiring training in child development or guidance and discipline will improve the quality of care in child care facilities. Training in these courses would give caregivers better strategies to work with the children in their care. New ratio and group size requirement will provide for more supervision and individual attention to the children, reduced illnesses and injuries, reduce stress levels of caregivers and improve communication with parents because of smaller groups of children. Counting the family and group home provider's children would allow for additional supervision and individual attention of the children in care.

The Adverse effects on the public: Certain programs are exempt from licensing requirements. The Bureau has never licensed these specific types of programs and they are listed for the purpose of clarification. There is not a fee for directors and caregivers to apply with the Nevada Registry but it takes time to complete the application form and copy required documents. Transportation logs would require additional time spent recording numbers of children; however it would prevent a child being left in a vehicle.

The beneficial effects on the business: Businesses will be able to provide higher quality of care for the children they serve.

The Adverse effects on the business: Increasing ratios for swimming activities would provide for better supervision and safety of the children. There may be an increased cost for obtaining this training. The late fee for renewal applications would have a financial impact, but it may encourage licensees to submit their reapplications on time. There may be a financial impact for additional resilient surfacing material, but the resilient surface extension would ensure that a child would be more protected from play ground accidents. Requiring an additional staff member for field trips would have a financial impact, but would increase the supervision of children while they are away from the facility. Some classes may require fees. There may be a financial impact for facilities that have to hire additional staff and facilities may have a reduced income due to reduction of number of children because of group size. The number of slots may be reduced because the provider's own children were not previously counted.

(B) BOTH IMMEDIATE AND LONG TERM EFFECTS.

Immediate effects: Licensing staff in each jurisdiction will ensure licensees understand the new regulations and work toward compliancy.

Long term effects: The regulations are to move the quality of Nevada's child care industry toward the national standards.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There are none known. Licensing agencies will continue to spend time inspecting facilities for compliance.

7. 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 REGULATING FEDERAL AGENCY.

There is no unnecessary duplication of local standards because Washoe, Clark and Las Vegas are required to adopt standards that are as stringent as these regulations.

8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.

There is no regulation requirement pursuant to federal law.

9. 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.

The regulations provide a new fee to providers who do not submit their annual application on time, there is no way to total an annual amount the agency expects to collect since it is determined based on a late fee. The total fee expected to be collected if the annual application is late is \$50.

10. IS THE PROPOSED REGULATION LIKELY TO IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN UPON A SMALL BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A SMALL BUSINESS? WHAT METHODS DID THE AGENCY USE IN DETERMINING THE IMPACT OF THE REGULATION ON A SMALL BUSINESS?

Two documents have been developed through the Legislative Counsel Bureau (LCB), 27 sections from file number R032-07 and 85 sections from R112-06 of the proposed child care regulations have been amended. The sections previously that had opposition from the public were revisited by the workgroups and were revised and/or clarified. The majorities of the changes provide clarification on existing or new requirements, define new types of facilities in Nevada, improve quality of care in child care facilities by outlining standards for all child care programs, and clarify programs that are exempted from the child care licensure process. These proposed regulations also address licensing requirements for Special Event facilities that were not required to comply with NAC 432A regulations historically.

If adopted, director qualifications may adversely impact child care facilities financially. The benefit of raising the qualifications will enhance quality early childhood programs relating to training of staff, parent concerns and will enhance healthy growth and development of children.

If adopted, changes in child: staff ratios including group size, may adversely impact child care facilities financially. The benefit of lowering child: staff ratios and establishing group sizes in child care facilities serving children ages birth to five will enhance healthy growth and development in all areas, as well as providing a safer environment for children.

Reducing the number of younger children in family/group home care may adversely impact child care revenue and availability of infant/toddler spaces in Nevada. The benefit of reducing the number of younger children in family/group home care is to improve safety and healthy development of Nevada's most vulnerable children. Family home care will have a phase in period until 2012 to count residents under the age of 3 in their home.