

**PROPOSED REGULATION OF THE
BOARD FOR CHILD CARE**

LCB File No. R032-07

December 13, 2007

(This regulation was split out from LCB File No. R112-06; §§20, 35, 39, 44-46, 50, 62, 65-67, 80 and 81 have been removed from that regulation for separate consideration.)

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

AUTHORITY: §§1-9, 11 and 14-22, NRS 432A.077; §§10, 12 and 13, NRS 432A.077 and 432A.177.

A REGULATION relating to children; revising certain provisions concerning the ratio of staff members to children in a child care facility; requiring caregivers and directors of a child care facility 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 and 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 5, 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. *“Nevada Registry” means the organization that operates the statewide system of career development and recognition created to:*

1. Acknowledge and encourage professional achievements 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 alternative 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. Portable wading pools must not be used in a facility. Other containers of water for use by one person may be used in a facility if:*

- (a) *The depth of the water in the container does not exceed 6 inches; and*
- (b) *The container is emptied immediately after its use.*

2. When children cared for in a facility are engaged in a wading activity, other than a swimming lesson which is taught at a public swimming pool or a public body of water, the facility shall ensure that:

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

(b) At least one caregiver is within an arm's length of each child who is in the water;

(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. If a water activity is included in a program of a facility, the water activity must be offered as an optional activity and alternative activities must be available for children who do not wish to participate in the water activity.

4. When children cared for in a facility are engaged in a wading activity, other than a swimming lesson which is taught at a public swimming pool or a public body of water, 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 are not old enough to attend kindergarten, the ratio of caregivers to children must be one caregiver for each four children;

(c) Attending kindergarten or a grade higher than that but are not yet old enough to attend fourth grade, the ratio of caregivers to children must be one caregiver for each six children; or

(d) Attending fourth grade or any grade higher than fourth grade, the ratio of caregivers to children must be one caregiver for each eight children.

Sec. 6. 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. 7. 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 and education* of children in a facility.

Sec. 8. 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.

~~3.1~~ 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 areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children allowed in the outdoor play area;*

(e) Have *acceptable, as determined by the Bureau, depths of* resilient ~~surfaces~~ *surfacing* underneath any elevated play equipment ~~;~~ *which extends at least 6 feet beyond the perimeter of the 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. 9. NAC 432A.300 is hereby amended to read as follows:

432A.300 1. The licensee of a child care facility other than a facility that provides care for ill children, ~~[an accommodation facility,]~~ a special needs facility or a family *home* or group home shall:

(a) Serve as the director of the facility, if ~~[he]~~ *the licensee* has the qualifications of a director;

or

(b) Appoint a suitably qualified person to serve as the director.

2. The director of such a facility must be at least 21 years of age and, except as otherwise provided in NAC 432A.485 ~~[-~~

~~—(a) Have earned], must:~~

~~(a) Hold~~ a bachelor's or associate's degree ~~[and have completed]~~ *which includes the completion of* at least 12 ~~[semester hours of education,]~~ *credits from an accredited college or university*, of which:

(1) At least 6 ~~[semester hours]~~ *credits* are in child development ~~[-]~~ *that is specific to the development of children who are the ages of the children served at the facility;* and

(2) At least 6 ~~[semester hours]~~ *credits* are in child development, ~~[child psychology, education related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care, and have at least 6 months of verifiable experience which is satisfactory to the Bureau in a program related to child education, early childhood development or child care;~~

~~—(b) Have earned a high school diploma or, if approved by the Chief of the Bureau, a certificate based on general educational development, and have completed at least 12 semester hours of education, of which:~~

~~—(1) At least 6 semester hours are in child development; and~~

~~— (2) At least 6 semester hours are in child development, child psychology, education related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care;~~

~~↪ and have at least 2 years of verifiable, satisfactory experience in a program related to child education, early childhood development or child care;~~

~~— (e) Have a] early childhood education or related courses and which include either a course in business administration or early childhood administration or, in lieu of the course in business administration or early childhood administration, include the completion of at least 1,000 hours of on-the-job training in an administrative position involving early child care and education,~~

~~↪ and have at least 1,000 hours of verifiable experience working directly with children;~~

~~(b) Hold a certificate as a child care development specialist and have completed:~~

~~(1) A course in business administration or early childhood administration; or~~

~~(2) One thousand hours of on-the-job training in an administrative position involving early child care and education;~~

~~(c) Except as otherwise provided in subsection 3, hold a current credential as a “Child Development Associate ” [,”] which has been issued by the Council for [Early Childhood] Professional Recognition, Washington, [DC 20005 ; or] D.C., and have completed at least 12 credits from an accredited college or university, of which:~~

~~(1) At least 6 credits are in child development that is specific to the development of children who are the ages of the children served at the facility; and~~

~~(2) At least 6 credits are in child development, early childhood education or related courses and include either a course in business administration or early childhood~~

administration or, in lieu of the course in business administration or early childhood administration, include the completion of at least 1,000 hours of on-the-job training in an administrative position involving early child care and education,

↪ and have at least 4,000 hours of verifiable experience working directly with children;

(d) Hold a high school diploma or general equivalency diploma and have completed at least 12 credits from an accredited college or university, of which:

(1) At least 6 credits are in child development that is specific to the development of children who are the ages of the children served at the facility; and

(2) At least 6 credits are in child development, early childhood education or related courses and include either a course in business administration or early childhood administration or, in lieu of the course in business administration or early childhood administration, include the completion of at least 12 months of on-the-job training in an administrative position involving early child care and education,

↪ and have at least 6,000 hours of verifiable experience working directly with children; or

(e) Have a combination of education and experience which, in the judgment of the Chief of the Bureau, is equivalent to that required by paragraph (a), (b), (c) or ~~(e)~~ (d).

3. In addition to satisfying the requirements of subsection 2, the director of a facility described in subsection 1 that provides care for infants and toddlers must:

(a) Complete an additional 6 credits from an accredited college or university in courses relating to the development of infants and toddlers that are specific to the development of and programs for the care of children under 30 months of age;

(b) Have at least 2,000 hours of verifiable experience working directly with children under 30 months of age; and

(c) If the director is qualifying pursuant to paragraph (c) of subsection 2, in lieu of holding a current credential as a “Child Development Associate,” hold a current credential as a “Child Development Associate” with an endorsement to work with infants and toddlers which has been issued by the Council for Professional Recognition, Washington, D.C.

4. Each director of a facility described in subsection 1 must apply with the Nevada Registry or its successor organization and annually renew his registration before the date on which it expires.

5. Before a license is issued to a person to operate any child care facility for which a director is required, the person must submit a completed application for approval of the director. The application must be made on a form supplied by the Bureau. The applicant must sign an authorization which gives the Bureau permission to verify any information given in the application.

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 orientation program and *be* trained by the director in the policies, procedures and programs of the facility. *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 of 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 when hand washing is required;

(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 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 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, Inc., or the American Safety and Health Institute.*

5. Evidence that an employee has obtained and maintained current certification in the administration of cardiopulmonary resuscitation as required pursuant to this section must be included in his personnel file and must be kept at the facility.

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

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432A.323 1. Except as otherwise provided in subsection ~~[3,]~~ *4 and NRS 432A.177*, within 90 days after commencing his employment *or position* in a child care facility, each ~~[person]~~ *caregiver* who is employed in a child care facility ~~[,]~~ *and each director of a child care facility* other than *a caregiver employed in or director of* an accommodation facility or a facility, that provides care for ill children, 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 caregiver 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 caregiver 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 blood-borne 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 caregiver 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]~~ caregiver, each caregiver 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 ~~;~~ ~~—(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 ~~[:~~
~~—(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 months.~~
~~—4.] 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 this section 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 in the facility;
and
(b) Promote the physical, moral and mental well-being of each child accommodated in the facility.

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

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

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

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

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

432A.323 1. Except as otherwise provided in subsection 4 and NRS 432A.177 ~~[:]~~ *and section 4 of this regulation,* within 90 days after commencing his employment or position in a child care facility, each caregiver who is employed in a child care facility and each director of a child care facility, other than a caregiver employed in or director of an accommodation facility or a facility that provides care for ill children, shall complete:

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

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(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 caregiver 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 blood-borne pathogens;

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

(f) If the caregiver 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 as a caregiver, each caregiver 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 this section 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 accommodated in the facility;
and

(b) Promote the physical, moral and mental well-being of each child accommodated 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 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 stored]~~

(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 a 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.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]~~

Each facility, including, without limitation, a family home and a group home, shall have an early care and education program.

2. Each facility, including, without limitation, a family home and group home, shall develop a plan for care and education which is specific to children who are the ages of the children served in the program and 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]~~ *The director of a facility shall prepare a* plan of the curriculum and a description of the methods of delivering instruction . ~~[must be prepared by a licensee of a preschool.]~~ The plan must:

- (a) Be made available for parental review;
- (b) Be prepared before the program becomes effective;
- (c) Be kept on file 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;
- (f) Provide for the involvement of parents 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]~~ *Each facility, including, without limitation, a family home and a group home, shall* 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.]~~

Sec. 16. NAC 432A.520 is hereby amended to read as follows:

NEW FIRST
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. A member of the staff 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. 17. 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. *In addition to the number of members of the staff that are required to satisfy the applicable ratio of staff to children set forth in NAC 432A.524, one additional caregiver per 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. A member of the staff 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.524 is hereby amended to read as follows:

432A.524 **1.** Except as otherwise provided in *subsections 2, 3 and 6*, NAC 432A.532, *and section 5 of this regulation*, a licensee of a child care center, ~~[child care institution, preschool or]~~ accommodation facility *or facility for special events* shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. ~~[at least the following]~~ *the* number of ~~[caretakers:~~

~~—1. Where the children are 2 years of age and older:~~

~~—(a) For 1 to 6 children, inclusive, one caretaker;~~

~~—(b) For 7 to 20 children, inclusive, two caretakers;~~

~~—(c) For 21 to 35 children, inclusive, three caretakers;~~

~~—(d) For 36 to 50 children, inclusive, four caretakers;~~

~~—(e) For 51 to 65 children, inclusive, five caretakers;~~

~~—(f) For 66 to 80 children, inclusive, six caretakers;~~

~~—(g) For 81 to 93 children, inclusive, seven caretakers; and~~

NEW
SECOND
PARALLEL
SECTION

~~—(h) For every 13 children in excess of 93, one additional caretaker.~~

~~—2. In a classroom which contains children who are 2 or more years of age but less than 3 years of age:~~

~~—(a) For 1 to 10 children, inclusive, one caretaker;~~

~~—(b) For 11 to 20 children, inclusive, two caretakers;~~

~~—(c) For 21 to 30 children, inclusive, three caretakers; and~~

~~—(d) For every 1 to 10 children, inclusive, in excess of 30, one additional caretaker.]~~

caregivers required pursuant to the following table:

<i>AGE OF THE CHILDREN</i>	<i>RATIO OF MEMBERS OF STAFF TO CHILDREN</i>	<i>MAXIMUM GROUP SIZE</i>
<i>Birth to less than 12 months of age</i>	<i>1:4</i>	<i>8</i>
<i>12 months of age to less than 24 months of age</i>	<i>1:5</i>	<i>10</i>
<i>24 months of age to less than 30 months of age</i>	<i>1:6</i>	<i>12</i>
<i>30 months of age to less than 3 years of age</i>	<i>1:7</i>	<i>14</i>
<i>3 years of age to less than 4 years of age</i>	<i>1:11</i>	<i>22</i>
<i>4 years of age to less than 6 years of age</i>	<i>1:12</i>	<i>24</i>

<i>6 years of age to less than 12 years of age</i>	<i>1:15</i>	<i>30</i>
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2. Except as otherwise provided in subsection 3, if a group contains one or more children who are at least 4 years of age but who are not old enough to attend kindergarten, the ratio and group size for children of that age group apply.

3. During the regular hours of operation of a child care center, the center may mix children of different age categories in a group if:

(a) Except as otherwise provided in subsection 4, there is not more than a 36-month range in age among the children in the group;

(b) Except as otherwise provided in subsection 5, the ratio of members of staff to children and the maximum group size are determined by the age of the majority of the children in the group unless there are children in the group who are less than 36 months of age; and

(c) Except as otherwise provided in subsection 5, the ratio of members of staff to children and the maximum group size are determined by the youngest child in the group if there are any children in the group who are less than 36 months of age.

4. The provisions of paragraph (a) of subsection 3 do not apply to groups of children that are composed entirely of children of school age, including children who are attending kindergarten.

5. The ratio of members of staff to children and the maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, do not apply during the arrival of the children in the morning and the departure of the children in the afternoon if the total arrival

and departure time does not exceed 25 percent of the daily hours of operation of the child care center or facility.

6. The maximum group size set forth in subsection 1 does not apply to an outdoor play area that is used by the child care center or facility routinely or is used by the child care center or facility for special activities at the child care center or facility that are not more than 2 hours in duration.

7. As used in this section, “group size” means the specific number of children, distinct from a larger population of children cared for in a child care center or facility, who interact with each other and with one or more members of the staff of a child care center or facility in a well-defined space. As used in this subsection, “well-defined space” means a space that is enclosed by a temporary wall or physical barrier that is at least 3 feet tall and is appropriate for use in separating an area into more than one distinct space and for reducing distractions for the children in that space.

Sec. 19. NAC 432A.524 is hereby amended to read as follows:

NEW THIRD
PARALLEL
SECTION

432A.524 1. Except as otherwise provided in subsections 2, 3 and 6, NAC **432A.290 and** 432A.532, and section 5 of this regulation, a licensee of a child care center, accommodation facility or facility for special events shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. the number of caregivers required pursuant to the following table:

AGE OF THE CHILDREN	RATIO OF MEMBERS OF STAFF TO CHILDREN	MAXIMUM GROUP SIZE
Birth to less than 12 months of age	1:4	8

12 months of age to less than 24 months of age	1:5	10
24 months of age to less than 30 months of age	1:6	12
30 months of age to less than 3 years of age	1:7	14
3 years of age to less than 4 years of age	1:11	22
4 years of age to less than 6 years of age	1:12	24
6 years of age to less than 12 years of age	1:15	30

2. Except as otherwise provided in subsection 3, if a group contains one or more children who are at least 4 years of age but who are not old enough to attend kindergarten, the ratio and group size for children of that age group apply.

3. During the regular hours of operation of a child care center, the center may mix children of different age categories in a group if:

(a) Except as otherwise provided in subsection 4, there is not more than a 36-month range in age among the children in the group;

(b) Except as otherwise provided in subsection 5, the ratio of members of staff to children and the maximum group size are determined by the age of the majority of the children in the group unless there are children in the group who are less than 36 months of age; and

(c) Except as otherwise provided in subsection 5, the ratio of members of staff to children and the maximum group size are determined by the youngest child in the group if there are any children in the group who are less than 36 months of age.

4. The provisions of paragraph (a) of subsection 3 do not apply to groups of children that are composed entirely of children of school age, including children who are attending kindergarten.

5. The ratio of members of staff to children and the maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, do not apply during the arrival of the children in the morning and the departure of the children in the afternoon if the total arrival and departure time does not exceed 25 percent of the daily hours of operation of the child care center or facility.

6. The maximum group size set forth in subsection 1 does not apply to an outdoor play area that is used by the child care center or facility routinely or is used by the child care center or facility for special activities at the child care center or facility that are not more than 2 hours in duration.

7. As used in this section, “group size” means the specific number of children, distinct from a larger population of children cared for in a child care center or facility, who interact with each other and with one or more members of the staff of a child care center or facility in a well-defined space. As used in this subsection, “well-defined space” means a space that is enclosed by a temporary wall or physical barrier that is at least 3 feet tall and is appropriate for use in separating an area into more than one distinct space and for reducing distractions for the children in that space.

Sec. 20. A child care facility is exempt from the provisions of paragraph (e) of subsection 4 of NAC 432A.250, as amended by section 8 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.

Sec. 21. A person who on January 1, 2008, serves as a director of a child care facility other than a facility that provides care for ill children, a special needs facility or a family home or group home is not required to satisfy the provisions of NAC 432A.300, as amended by section 9 of this regulation, unless after that date he applies for a position as a director of a child care facility other than the child care facility for which he served as the director on January 1, 2008.

Sec. 22. 1. This section and sections 1, 2, 3, 5 to 12, inclusive, 14, 15, 16, 20 and 21 of this regulation become effective on January 1, 2008, or the date on which the regulation is filed by the Legislative Counsel with the Secretary of State, whichever occurs later.

2. 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) January 1, 2008;

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

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

↳ whichever occurs later.

3. Sections 17 and 18 of this regulation become effective on January 1, 2010.

4. Section 19 of this regulation becomes 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.

Section 19 of this regulation becomes effective on:

(a) January 1, 2010;

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

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

↳ whichever occurs later.