

LCB File No. R001-09

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

§§1, 2, 7-11, become effective when this regulation is filed with the Secretary of State
§§5 and 6 become effective January 1, 2010
§3 becomes effective 1 year after this regulation is filed with the Secretary of State
§4 becomes effective 2 years after this regulation is filed with the Secretary of State

(This regulation was split out from LCB File No. R032-07A; §§10, 11, 21, 22, 25 and 26 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, NRS 432A.077 and 432A.177; §§2-11, NRS 432A.177.

A REGULATION relating to children; revising provisions relating to the qualifications of directors of child care facilities; revising certain provisions concerning the ratio of caregivers to children in a child care facility; and providing other matters properly relating thereto.

Section 1. 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]~~ *Except as otherwise provided in subsection 6, the* director of such a facility must be at least 21 years of age, *must have at least 1,000 verifiable hours in an administrative position or have completed a course or another type of training in business administration,*

must have applied with The Nevada Registry or its successor organization and, except as otherwise provided in NAC 432A.485 ~~[-~~

~~—(a) Have earned a bachelor's or], *must:*~~

~~(a) *Hold an* associate's degree ~~[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 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;~~

~~—(c) Have a] or higher from an accredited college or university in early childhood education or hold a certificate with a level 4.1 or higher on the Nevada Early Care and Education~~

Professional Career Ladder administered by The Nevada Registry, and have at least 1,000 hours of verifiable experience working directly with children;

(b) Hold an associate’s degree or higher from an accredited college or university in any field other than early childhood education and have:

(1) Completed at least 12 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility; and

(2) At least 2,000 hours of verifiable experience working directly with children;

(c) Hold a certificate as a child care development specialist issued by the United States Department of Labor;

(d) Hold a current credential as a “Child Development Associate [;’]” with an endorsement to work with preschool age children which has been issued by the Council for [Early Childhood] Professional Recognition [;Washington, DC 20005; or —(d)] and:

(1) Have completed, or must complete within 2 years after he commences serving as a director, 12 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility; and

(2) Have at least 4,000 hours of verifiable experience working directly with children;

(e) Hold a high school diploma or general equivalency diploma and have:

(1) Completed at least 15 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility; and

- (2) At least 6,000 hours of verifiable experience working directly with children; or*
- (f) 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) ~~for (e)~~, (c), (d) or (e).*
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) If the director is qualifying pursuant to paragraph (d) of subsection 2, in lieu of holding a current credential as a “Child Development Associate” with an endorsement to work with preschool age children:*
- (1) 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; or*
- (2) Have completed at least 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 24 months of age. The credits from an accredited college or university may also be used to satisfy the requirements of subsection 2.*
- (b) Have at least 2,000 hours of verifiable experience working directly with children under 24 months of age. Such hours may also be used to satisfy the requirements of subsection 2.*
4. *Except as otherwise provided in subsection 6, each director of a facility described in subsection 1 must annually renew his registration with The Nevada Registry or its successor organization 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.

~~[5.]~~ *6. A director of a child care institution is not required to initially apply with or annually renew his registration with The Nevada Registry or its successor organization.*

Sec. 2. NAC 432A.524 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

432A.524 *1. Except as otherwise provided in subsections 3 and 6, NAC 432A.290 and 432A.532, and section 20 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, 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 number of~~ caretakers:*

~~—1.—~~ *Where]:*

(a) The following number of caregivers where the children are 2 years of age and older ~~[:~~

~~—(a)]~~ *but are not old enough to attend kindergarten:*

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

~~—(b)]~~ *caregiver;*

(2) For 7 to 20 children, inclusive, two ~~[caretakers;~~

~~—(c)]~~ *caregivers;*

(3) For 21 to 35 children, inclusive, three ~~[caretakers;~~

~~—(d)]~~ *caregivers;*

(4) For 36 to 50 children, inclusive, four ~~[caretakers;~~

~~—(e)]~~ *caregivers;*

(5) For 51 to 65 children, inclusive, five ~~[caretakers;~~

~~(f)~~ *caregivers;*

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

~~(g)~~ *caregivers;*

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

~~(h)~~ *caregivers; and*

(8) 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.] caregiver.~~

(b) The number of caregivers required pursuant to the following table:

<i>AGE OF THE CHILDREN</i>	<i>RATIO OF CAREGIVERS TO CHILDREN</i>	<i>MAXIMUM GROUP SIZE</i>
<i>Birth to less than 1 year of age</i>	<i>1:4</i>	<i>8</i>
<i>1 year of age to less than 2 years of age</i>	<i>1:6</i>	<i>12</i>
<i>Old enough to attend kindergarten or older but less than 18 years of age</i>	<i>1:15</i>	<i>30</i>

2. The ratio of caregivers to children set forth in subsection 1 is the maximum number of children for whom a caregiver in a child care center, accommodation facility or facility for special events may be responsible.

3. During the regular hours of operation of a child care center, accommodation facility or facility for special events, the child care center, accommodation facility or facility for special events 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 48-month range in age among the children in the group;

(b) Except as otherwise provided in subsection 5, the ratio of caregivers 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 caregivers 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 have completed kindergarten.

5. The maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, does not apply during the first 2 hours of operation of a child care center, accommodation facility or facility for special events in the morning or during the 2 hours of operation of the child care center, accommodation facility or facility for special events that

immediately precede the closing of the child care center, accommodation facility or facility for special events each day.

6. The maximum group size set forth in subsection 1 does not apply during:

(a) A period provided for outdoor play or during a special program, activity or event if the duration of any combination of the activities listed in this paragraph does not exceed 2 hours in duration;

(b) A period provided for a nap; or

(c) Lunch if the period for lunch does not exceed 30 minutes 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, accommodation facility or facility for special events, who interact with each other and with one or more caregivers of a child care center, accommodation facility or facility for special events in a well-defined space. As used in this subsection, “well-defined space” means a configuration of space that is defined by a physical structure or organizational arrangement that 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. 3. NAC 432A.524 is hereby amended to read as follows:

432A.524 1. Except as otherwise provided in subsections 3 and 6, NAC 432A.290 and 432A.532, and section 20 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, 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. at least:

NEW
SECOND
PARALLEL
SECTION

(a) The following number of caregivers where the children are ~~2~~ 4 years of age and older but are not old enough to attend kindergarten:

- (1) For 1 to 6 children, inclusive, one caregiver;
- (2) For 7 to 20 children, inclusive, two caregivers;
- (3) For 21 to 35 children, inclusive, three caregivers;
- (4) For 36 to 50 children, inclusive, four caregivers;
- (5) For 51 to 65 children, inclusive, five caregivers;
- (6) For 66 to 80 children, inclusive, six caregivers;
- (7) For 81 to 93 children, inclusive, seven caregivers; and
- (8) For every 13 children in excess of 93, one additional caregiver.

(b) The number of caregivers required pursuant to the following table:

AGE OF THE CHILDREN	RATIO OF CAREGIVERS TO CHILDREN	MAXIMUM GROUP SIZE
Birth to less than 1 year of age	1:4	8
1 year of age to less than 2 years of age	1:6	12
<i>2 years of age to less than 3 years of age</i>	<i>1:8</i>	<i>16</i>
<i>3 years of age to less than 4 years of age</i>	<i>1:12</i>	<i>24</i>
Old enough to attend kindergarten or older but	1:15	30

less than 18 years of age		
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2. The ratio of caregivers to children set forth in subsection 1 is the maximum number of children for whom a caregiver in a child care center, accommodation facility or facility for special events may be responsible.

3. During the regular hours of operation of a child care center, accommodation facility or facility for special events, the child care center, accommodation facility or facility for special events 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 48-month range in age among the children in the group;

(b) Except as otherwise provided in subsection 5, the ratio of caregivers 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 caregivers 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 have completed kindergarten.

5. The maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, does not apply during the first 2 hours of operation of a child care center, accommodation facility or facility for special events in the morning or during the 2 hours of operation of the child care

center, accommodation facility or facility for special events that immediately precede the closing of the child care center, accommodation facility or facility for special events each day.

6. The maximum group size set forth in subsection 1 does not apply during:

(a) A period provided for outdoor play or during a special program, activity or event if the duration of any combination of the activities listed in this paragraph does not exceed 2 hours in duration;

(b) A period provided for a nap; or

(c) Lunch if the period for lunch does not exceed 30 minutes 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, accommodation facility or facility for special events, who interact with each other and with one or more caregivers of a child care center, accommodation facility or facility for special events in a well-defined space. As used in this subsection, “well-defined space” means a configuration of space that is defined by a physical structure or organizational arrangement that 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. 4. NAC 432A.524 is hereby amended to read as follows:

NEW THIRD
PARALLEL
SECTION

432A.524 1. Except as otherwise provided in subsections 3 and 6, NAC 432A.290 and 432A.532, and section 20 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, 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. at least ~~1~~:

~~—(a) The following number of caregivers where the children are 4 years of age and older but are not old enough to attend kindergarten:~~

~~(1) For 1 to 6 children, inclusive, one caregiver;~~

~~(2) For 7 to 20 children, inclusive, two caregivers;~~

~~(3) For 21 to 35 children, inclusive, three caregivers;~~

~~(4) For 36 to 50 children, inclusive, four caregivers;~~

~~(5) For 51 to 65 children, inclusive, five caregivers;~~

~~(6) For 66 to 80 children, inclusive, six caregivers;~~

~~(7) For 81 to 93 children, inclusive, seven caregivers; and~~

~~(8) For every 13 children in excess of 93, one additional caregiver.~~

~~(b) The] *the* number of caregivers required pursuant to the following table:~~

AGE OF THE CHILDREN	RATIO OF CAREGIVERS TO CHILDREN	MAXIMUM GROUP SIZE
Birth to less than 1 year of age	1:4	8
1 year of age to less than 2 years of age	1:6	12
2 years of age to less than 3 years of age	1:8	16
3 years of age to less than 4 years of age	1:12	24
<i>4 years of age or older but not old enough to attend</i>	<i>1:13</i>	<i>26</i>

<i>kindergarten</i>		
Old enough to attend kindergarten or older but less than 18 years of age	1:15	30

2. The ratio of caregivers to children set forth in subsection 1 is the maximum number of children for whom a caregiver in a child care center, accommodation facility or facility for special events may be responsible.

3. During the regular hours of operation of a child care center, accommodation facility or facility for special events, the child care center, accommodation facility or facility for special events 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 48-month range in age among the children in the group;

(b) Except as otherwise provided in subsection 5, the ratio of caregivers 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 caregivers 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 have completed kindergarten.

5. The maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, does not apply during the first 2 hours of operation of a child care center, accommodation facility or facility for special events in the morning or during the 2 hours of operation of the child care center, accommodation facility or facility for special events that immediately precede the closing of the child care center, accommodation facility or facility for special events each day.

6. The maximum group size set forth in subsection 1 does not apply during:

(a) A period provided for outdoor play or during a special program, activity or event if the duration of any combination of the activities listed in this paragraph does not exceed 2 hours in duration;

(b) A period provided for a nap; or

(c) Lunch if the period for lunch does not exceed 30 minutes 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, accommodation facility or facility for special events, who interact with each other and with one or more caregivers of a child care center, accommodation facility or facility for special events in a well-defined space. As used in this subsection, “well-defined space” means a configuration of space that is defined by a physical structure or organizational arrangement that 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. 5. Section 36 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, is hereby amended to read as follows:

Sec. 36. NAC 432A.290 is hereby amended to read as follows:

432A.290 1. Each licensee of a facility shall have a working telephone listed in a local telephone directory. A current list of emergency telephone numbers, including health agencies, fire and police departments and ambulance services must be posted adjacent to the telephone.

2. Each licensee of a facility shall have a policy of insurance for protection against liability to third persons. A certificate of insurance must be furnished by the licensee of a facility to the Bureau as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the Bureau at least 30 days before cancellation or nonrenewal of the policy. The licensee shall notify the Bureau if there is a lapse in the insurance coverage required by this subsection. The policy of insurance must be maintained at the facility. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Bureau.

3. If transportation is provided by the licensee of a facility, all children must be protected by adequate supervision by the staff, safety precautions and adequate insurance which covers liability for health or injury, medical expenses and damages caused by uninsured motorists. The licensee of a facility shall require that each child is instructed in the conduct required for safe transportation. A driver of a vehicle used by the licensee of a facility shall:

- (a) Possess an appropriate driver's license and adequate insurance;
- (b) Not leave an unattended child in the vehicle at any time;
- (c) Ensure that a parent, or a person designated in writing by the parent, is present to take charge of a child upon delivery of the child to his home or the facility;

(d) Ensure that each child boards or departs the vehicle on the side of the vehicle adjacent to a curb and that the child is safely conducted across any street encountered immediately before boarding or after departing; and

(e) Ensure that the doors and windows of the vehicle are secure before proceeding.

4. *Except as otherwise provided in this section and NAC 432A.532, when transporting children, the licensee of a facility shall ensure that the ratio of caregivers to children in the vehicle satisfies the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.524. When transporting children who are 2 years of age or older, a licensee of a special needs facility shall ensure that the ratio of caregivers to children in the vehicle satisfies the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.532. The maximum group size set forth in the table provided in NAC 432A.524 does not apply during the transportation of children of school age.*

5. If, during the time school is in operation, the licensee of a facility provides transportation for children of school age to and from a public or private school, the ratio of staff to children in the vehicle must be not less than one member of the staff for every 15 children.

~~5.1~~ 6. The licensee of a facility shall maintain a log for transportation provided by the licensee of the facility. The log must be maintained at the facility for at least 4 months after the transportation is provided. The log must include:

- (a) The name of each child who was transported;
- (b) The date the transportation was provided by the licensee of the facility;

- (c) The time of departure of the vehicle and the time the vehicle arrived at its destination;
- (d) The signature of the driver of the vehicle;
- (e) The name of each adult who was transported in the vehicle, including, without limitation, the driver of the vehicle; and
- (f) The signed verification required by subsection ~~6.1~~ 7.

~~6.1~~ 7. Upon arrival at the destination, one member of the staff of the facility shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually and physically sweep the vehicle to ensure a child is not left behind in the vehicle, and include in the log signed verification that each child who was transported in the vehicle is accounted for and that the visual and physical sweeps were conducted.

Sec. 6. Section 53 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, is hereby amended to read as follows:

Sec. 53. NAC 432A.416 is hereby amended to read as follows:

432A.416 1. *Each member of the staff of a facility that is necessary to meet the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.524 and 432A.526 for napping or sleeping children must be on the same floor in the same building where the children are napping or sleeping.* Members of the staff of each facility must be readily accessible and available to be summoned to ensure the safety of the children in the facility.

NEW
SECOND
PARALLEL
SECTION

2. Areas provided for napping or sleeping in a facility must be sufficiently lighted to provide for visual supervision of the children at all times.

3. The staff of each facility shall:

(a) Ensure that each infant under 12 months of age is placed on his back on a firm mattress, mat or pad manufactured for use by an infant when the infant is napping or sleeping;

(b) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to nap or sleep in;

(c) Equip any such sleeping device with a waterproof, firm-fitting mattress;

(d) Ensure that each crib to be used by a child who is 6 months of age or younger is constructed with vertical slats that are not more than 2 3/8 inches apart;

(e) Ensure that a child who is 18 months of age or younger naps or sleeps in a crib which is appropriate for his age or in another sleeping device which has been approved by the Bureau;

(f) Ensure that a child who is older than 18 months of age naps or sleeps in an appropriate crib or on a cot or mat;

(g) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;

(h) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;

(i) Ensure that the bedding that each child uses is used only for that particular child;

(j) Replace the bedding each time it is wet or soiled by a child or when the sleeping device is to be used by another child;

(k) Within 15 minutes after a child in a crib has awakened from a nap or from sleeping, take the child out of the crib and engage him in an appropriate activity;

(l) Ensure that each child takes a nap as needed;

(m) Ensure that each napping or sleeping child is in an area from which the staff can readily hear and see the child; and

(n) Ensure that each napping or sleeping child is checked by a caregiver not less than one time every 15 minutes.

4. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

5. The staff of a facility shall not use a waterbed, sofa, soft mattress, pillow or any other soft surface as a surface on which to place an infant under 12 months of age to nap or sleep.

Sec. 7. Section 85 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, is hereby amended to read as follows:

Sec. 85. 1. This section and sections 1, 2, 4 to 9, inclusive, 11 to 15, inclusive, 21 to 26, inclusive, 28 to 35, inclusive, 38, 39, 41 to 52, inclusive, 55 to 59, inclusive, 62, 63, 70 to 73, inclusive, 80, 82, 83 and 84 of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Sections 3, 27 and 40 of this regulation become effective only if LCB File No. R032-07 is adopted by the Board for Child Care and filed by the Legislative Counsel with the Secretary of State. Sections 3, 27 and 40 of this regulation become effective:

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

(b) Eighteen months after the date on which LCB File No. R032-07 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.

3. Sections 10, 16 to 19, inclusive, 60, 64, 66 and 68 of this regulation become effective only if sections 61, 65, 67, 69, 74, 75, 77, 78 and 79 of this regulation do not become effective. Sections 10, 16 to 19, inclusive, 60, 64, 66 and 68 of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

4. Sections 20, 61, 65, 67, 69, 74, 75, 77, 78 and 79 of this regulation become effective only if LCB File No. R032-07 is adopted by the Board for Child Care and filed by the Legislative Counsel with the Secretary of State. Sections 20, 61, 65, 67, 69, 74, 75, 77, 78 and 79 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. R032-07 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.

5. Sections 36 and 53 of this regulation become effective on January 1, 2010.

6. Sections ~~[37, 54,]~~ 76 and 81 of this regulation become effective only if LCB File No. R001-09 is adopted by the Board for Child Care and filed by the Legislative

Counsel with the Secretary of State. Sections ~~[37, 54,]~~ 76 and 81 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) ~~[Two years after the]~~ *The* date on which LCB File No. R001-09 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.

Sec. 8. Sections 37 and 54 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, are hereby repealed.

Sec. 9. 1. Except as otherwise provided in section 10 of this regulation, a person who, on the effective date of this section, serves as a director of a child care facility other than a child care 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 1 of this regulation, if on the effective date of this section he has completed, or completes within 2 years after the effective date of this section:

(a) A course or another type of training in business administration; and

(b) At least 12 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the child care facility where the director serves as director.

2. Credits earned from a university for the purpose of satisfying the training in professional development required by NAC 432A.326, as amended by section 43 of LCB File No. R112-06,

which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009, may also be used to satisfy the requirements of paragraph (b) of subsection 1.

3. As used in this section:

(a) “Child care center” has the meaning ascribed to it in NAC 432A.050.

(b) “Child care facility” has the meaning ascribed to it in NAC 432A.060.

(c) “Facility that provides care for ill children” means a child care facility or child care center described in subsection 1 of NAC 432A.550.

(d) “Family home” has the meaning ascribed to it in NAC 432A.100.

(e) “Group home” has the meaning ascribed to it in NAC 432A.110.

(f) “Special needs facility” has the meaning ascribed to it in NAC 432A.165.

Sec. 10. 1. Each person who, on the effective date of this section, is a director of a child care facility other than a facility that provides care for ill children, a special needs facility, a child care institution or a family home or group home shall, within 2 years after the effective date of this section, apply with The Nevada Registry or its successor organization.

2. As used in this section:

(a) “Child care center” has the meaning ascribed to it in NAC 432A.050.

(b) “Child care facility” has the meaning ascribed to it in NAC 432A.060.

(c) “Child care institution” has the meaning ascribed to it in NAC 432A.070.

(d) “Facility that provides care for ill children” means a child care facility or child care center described in subsection 1 of NAC 432A.550.

(e) “Family home” has the meaning ascribed to it in NAC 432A.100.

(f) “Group home” has the meaning ascribed to it in NAC 432A.110.

(g) “Special needs facility” has the meaning ascribed to it in NAC 432A.165.

(h) “The Nevada Registry” has the meaning ascribed to it in section 7 of LCB File No. R112-06, which was adopted by the Board for Child Care and filed with the Secretary of State on April 23, 2009.

Sec. 11. 1. This section and sections 1, 2 and 7 to 10, inclusive, of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Sections 5 and 6 of this regulation become effective on January 1, 2010.

3. Section 3 of this regulation becomes effective 1 year after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

4. Section 4 of this regulation becomes effective 2 years after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

TEXT OF REPEALED SECTIONS

Section 37 of LCB File No. R112-06

Sec. 37. NAC 432A.290 is hereby amended to read as follows:

432A.290 1. Each licensee of a facility shall have a working telephone listed in a local telephone directory. A current list of emergency telephone numbers, including health agencies, fire and police departments and ambulance services must be posted adjacent to the telephone.

NEW
THIRD
PARALLEL
SECTION

2. Each licensee of a facility shall have a policy of insurance for protection against liability to third persons. A certificate of insurance must be furnished by the licensee of a facility to the Bureau as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the Bureau at least 30 days before cancellation or nonrenewal of the policy. The licensee shall notify the Bureau if there is a lapse in the insurance coverage required by this subsection. The policy of insurance must be maintained at the facility. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Bureau.

3. If transportation is provided by the licensee of a facility, all children must be protected by adequate supervision by the staff, safety precautions and adequate insurance which covers liability for health or injury, medical expenses and damages caused by uninsured motorists. The licensee of a facility shall require that each child is instructed in the conduct required for safe transportation. A driver of a vehicle used by the licensee of a facility shall:

- (a) Possess an appropriate driver's license and adequate insurance;
- (b) Not leave an unattended child in the vehicle at any time;
- (c) Ensure that a parent, or a person designated in writing by the parent, is present to take charge of a child upon delivery of the child to his home or the facility;
- (d) Ensure that each child boards or departs the vehicle on the side of the vehicle adjacent to a curb and that the child is safely conducted across any street encountered immediately before boarding or after departing; and
- (e) Ensure that the doors and windows of the vehicle are secure before proceeding.

4. Except as otherwise provided in this section and NAC 432A.532, when transporting children, the licensee of a facility shall ensure that the ratio of staff to children in the vehicle

satisfies the applicable requirement for the ratio of members of staff to children set forth in NAC 432A.524. *The maximum group size set forth in the table provided in NAC 432A.524 does not apply during the transportation of children of school age.* When transporting children who are 2 years of age or older, a licensee of a special needs facility shall ensure that the ratio of members of staff to children in the vehicle satisfies the applicable requirement for the ratio of members of staff to children set forth in NAC 432A.532.

5. If, during the time school is in operation, the licensee of a facility provides transportation for children of school age to and from a public or private school, the ratio of staff to children in the vehicle must be not less than one member of the staff for every 15 children.

6. The licensee of a facility shall maintain a log for transportation provided by the licensee of the facility. The log must be maintained at the facility for at least 4 months after the transportation is provided. The log must include:

- (a) The name of each child who was transported;
- (b) The date the transportation was provided by the licensee of the facility;
- (c) The time of departure of the vehicle and the time the vehicle arrived at its destination;
- (d) The signature of the driver of the vehicle;
- (e) The name of each adult who was transported in the vehicle, including, without limitation, the driver of the vehicle; and
- (f) The signed verification required by subsection 7.

7. Upon arrival at the destination, one member of the staff of the facility shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually and physically sweep the vehicle to ensure a child is not left behind in the vehicle, and include in the

log signed verification that each child who was transported in the vehicle is accounted for and that the visual and physical sweeps were conducted.

Section 54 of LCB File No. R112-06

Sec. 54. NAC 432A.416 is hereby amended to read as follows:

NEW THIRD
PARALLEL
SECTION

432A.416 1. Each member of the staff of a facility that is necessary to meet the applicable requirement for the ratio of caregivers to children set forth in NAC *432A.524 and* 432A.526 for napping or sleeping children must be on the same floor in the same building where the children are napping or sleeping. Members of the staff of each facility must be readily accessible and available to be summoned to ensure the safety of the children in the facility.

2. Areas provided for napping or sleeping in a facility must be sufficiently lighted to provide for visual supervision of the children at all times.

3. The staff of each facility shall:

(a) Ensure that each infant under 12 months of age is placed on his back on a firm mattress, mat or pad manufactured for use by an infant when the infant is napping or sleeping;

(b) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to nap or sleep in;

(c) Equip any such sleeping device with a waterproof, firm-fitting mattress;

(d) Ensure that each crib to be used by a child who is 6 months of age or younger is constructed with vertical slats that are not more than 2 3/8 inches apart;

(e) Ensure that a child who is 18 months of age or younger naps or sleeps in a crib which is appropriate for his age or in another sleeping device which has been approved by the Bureau;

(f) Ensure that a child who is older than 18 months of age naps or sleeps in an appropriate crib or on a cot or mat;

(g) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;

(h) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;

(i) Ensure that the bedding that each child uses is used only for that particular child;

(j) Replace the bedding each time it is wet or soiled by a child or when the sleeping device is to be used by another child;

(k) Within 15 minutes after a child in a crib has awakened from a nap or from sleeping, take the child out of the crib and engage him in an appropriate activity;

(l) Ensure that each child takes a nap as needed;

(m) Ensure that each napping or sleeping child is in an area from which the staff can readily hear and see the child; and

(n) Ensure that each napping or sleeping child is checked by a caregiver not less than one time every 15 minutes.

4. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

5. The staff of a facility shall not use a waterbed, sofa, soft mattress, pillow or any other soft surface as a surface on which to place an infant under 12 months of age to nap or sleep.