

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

**LCB File No. R112-06**

§§1, 2, 4-9, 11-15, 21-26, 28-35, 38, 39, 41-52, 55-59.5, 62, 63, 70-73, 80 and 82-85 become effective when this regulation is filed with the Secretary of State;  
§§10, 16-19, 60, 64, 66 and 68 become effective only if §§61, 65, 67, 69, 74, 75, 77, 78 and 79 do not become effective, in which case §§10, 16-19, 60, 64, 66 and 68 become effective when this regulation is filed with the Secretary of State;  
§§36 and 53 become effective January 1, 2010;  
§§3, 20, 27, 40, 61, 65, 67, 69, 74, 75, 77, 78 and 79 become effective only if LCB File No. R032-07 becomes effective, in which case §§20, 61, 65, 67, 69, 74, 75, 77, 78 and 79 become effective when this regulation or R032-07 is filed with the Secretary of State, whichever is later, and §§3, 27 and 40 become effective when this regulation is filed with the Secretary of State or 18 months after R032-07 is filed with the Secretary of State, whichever is later;  
§§37, 54, 76 and 81 become effective only if LCB File No. R001-09 becomes effective, in which case §§37, 54, 76 and 81 become effective when this regulation is filed with the Secretary of State or 2 years after R001-09 is filed with the Secretary of State, whichever is later

(§§20, 35, 39, 44-46, 50, 51, 62, 65-67, 80 and 81 have been split out from the First Revised Proposed draft of this regulation for separate consideration; these sections are now located in LCB File No. R001-09RA and LCB File No. R032-07RA)

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

AUTHORITY: §§1-29, 34-56 and 58-85, NRS 432A.077; §30, NRS 432A.077 and 432A.180; §§31-33, NRS 432A.077 and 432A.141; §57, NRS 432A.077 and 432A.177.

A REGULATION relating to children; requiring child care facilities that provide care for certain younger children to have an early care and education program; prohibiting the presence of weapons in certain child care facilities and providing certain restrictions concerning the presence of weapons in a family home or group home; revising certain provisions concerning the required ratio of caregivers to children in a child care facility; 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 20, inclusive, of this regulation.

**Sec. 2.** *“Developmentally appropriate care and education” means the provision of care or education in a manner that takes into account:*

- 1. The universal, predictable sequences of child development;*
- 2. The particular sequences of child development of each child cared for in a facility; and*
- 3. The principle that children learn best when learning is meaningful to them and is based on “first-hand” experiences.*

**Sec. 3.** *“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. 4.** *“Educational child care institution” means a child care institution that is recognized by the Department of Education as providing educational opportunities primarily for privately placed children of school age.*

**Sec. 5.** *“Extended care accommodation facility” means an accommodation facility that:*

- 1. Provides temporary care to children for an amount of time that is more than 3 1/2 hours but is within the limits of time set forth in subsection 4 of section 15 of this regulation; and*
- 2. Provides such care while the person responsible for placing the child in the extended care accommodation facility remains on the premises of the business establishment which operates the extended care accommodation facility.*

**Sec. 6. 1.** *“Facility for special events” means a facility which is:*

- (a) Operated by a business that is licensed to conduct a business other than the provision of care to children; and*
- (b) Located on the premises of a business at which a special event is held.*

*2. The term does not include care to children that is provided in a hotel or motel room or in the private home of a person who is attending a special event.*

**Sec. 7.** *“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. 8.** *1. “Residential child care institution” means a child care institution:*

*(a) Which provides care and psychoeducational services to children who are diagnosed as severely emotionally disturbed children; and*

*(b) In which the treatment goals and length of stay of a child are dependent upon the needs of the child with regard to his physical, social, emotional, moral and educational development.*

*2. As used in this section, “emotionally disturbed children” has the meaning ascribed to “child with an emotional disturbance” in NRS 433B.045.*

**Sec. 9.** *1. “Shelter child care institution” means a child care institution which provides residential care on a 24-hour basis to children who are in the custody of an agency which provides child welfare services and who are in need of temporary protection and care.*

*2. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

**Sec. 10.** *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.*

*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. 11.** *1. Each facility shall ensure that weapons, including, without limitation, firearms, air rifles, bows, hunting knives or hunting slingshots, are not transported in any vehicle of the facility in which children are riding unless the weapons are made inoperable and inaccessible.*

*2. A licensee of a family home or group home shall ensure that any weapons in the facility are unstrung and unloaded at all times when children are in the facility.*

*3. A licensee of a family home or group home shall ensure that any weapons in the facility are either stored in locked containers or rooms that are out of the reach of children or are made inoperable.*

*4. A licensee of a family home or group home shall ensure that any ammunition and arrows in the facility are stored in separate locked containers.*

*5. Except as otherwise provided in this subsection and NRS 202.3673, weapons are prohibited in any child care center, child care institution or facility for special events. The provisions of this subsection do not apply to a weapon carried by a peace officer or other law enforcement personnel certified by the Peace Officers' Standards and Training Commission pursuant to NRS 289.550.*

**Sec. 12. 1.** *Each facility shall ensure that any immunizations recommended by a veterinarian for a pet kept at the facility are up-to-date, regardless of whether the pet is kept inside or outside the facility.*

*2. Pets are only permitted in a facility if they are:*

*(a) In good health, present no problems of sanitation and have a temperament which is not hazardous or frightening to children;*

*(b) Handled in a manner which protects the well-being of the children and the pet;*

*(c) Inoculated as often as prescribed by a veterinarian; and*

*(d) Restricted from areas where food is prepared and from eating areas while meals are being served as required by state and local health agencies.*

*3. Each facility shall ensure that any litter boxes are kept out of the reach of young children and that play areas are cleaned of all animal feces before children are allowed access to those areas.*

**Sec. 13. 1.** *In addition to satisfying the requirements of NAC 432A.200, an applicant for a license to operate a facility for special events must:*

*(a) Have and indicate in his application for a license to operate the facility for special events a permanent physical location for the business where the records concerning the facility will be maintained.*

*(b) Submit to the Bureau an application for a license to operate the facility for special events for each special event for which child care will be provided by the facility for special events, which must include written approval from the owner or operator of the premises of the business at which the special event will be held and at which child care will be provided. The application must be filed with the Bureau at least 60 working days before the date on which the special event begins and must include:*

- (1) The appropriate fee as prescribed in NAC 432A.200;*
- (2) The name of the special event and the address at which the special event will occur;*
- (3) The square footage and a diagram of the specific area in which child care will be provided;*
- (4) A copy of the contract which will be provided to the parent of a child who will receive care provided by the facility for special events;*
- (5) The plan for the program of care for the children who will receive child care provided by the facility for special events, which must be broken down by the age groups of the children who will be served by the facility and the ages and number of children to whom child care services will be provided; and*
- (6) A copy of the statement that will be provided to each parent of a child who receives care provided by the facility for special events which indicates that the members of the staff of the facility may have varied levels of training and experience.*

*2. A license to operate a facility for special events issued by the Bureau must include a statement indicating that the members of the staff of the facility may have varied levels of training and experience.*

*3. The Bureau shall not renew a license to operate a facility for special events.*

**Sec. 14. 1. *Child care that is provided by a facility for special events may be provided only:***

***(a) To the children of persons who are attending the special event; and***

***(b) On the dates on which the special event is occurring and may not be provided for more than:***

***(1) Seven days; and***

***(2) Ten hours in 1 day.***

***2. A parent of a child who is receiving child care services from a facility for special events must provide to the facility the full name, address and telephone number or pager number of at least two persons who may be contacted by the facility in an emergency involving the child.***

***3. A facility for special events shall provide and accurately maintain a sheet for signing children and members of the staff in and out of the facility.***

***4. A facility for special events must be physically located in such a manner that any sale or dispensing of alcohol and any participation in gaming ventures are obscured from the view and hearing of the children in the facility.***

***5. The records of the children receiving child care from a facility for special events must be maintained on-site at the facility. A parent of a child receiving care from a facility for special events must provide proper photo identification to remove the child from the facility.***

***The facility will allow a child to be removed from the facility by a parent of the child only if the parent:***

***(a) Provides the facility with proper photo identification; and***

***(b) Is preauthorized as a person who is allowed to remove the child from the facility.***

6. *Any immunization records required by NRS 432A.230 for enrollment in a facility for special events may be sent by facsimile to the facility.*

7. *Each facility for special events shall ensure that a parent of a child is notified upon checking the child into the facility of an off-site emergency location where the children receiving care at the facility will be taken if the facility is evacuated. The emergency location must:*

(a) *Be predetermined by the facility after consultation with and approval of the security department of the business at which the special event is being held, if any; and*

(b) *Not be above the main floor of the facility at which the special event is being held.*

8. *Each facility for special events shall ensure that a manager who is 21 years of age or older is on duty at the specific area in which child care is being provided at all times that child care is being provided by the facility.*

9. *Each facility for special events shall ensure that a child who is receiving child care from the facility and who is 5 years of age or less does not participate in any field trips sponsored by the facility unless the child is accompanied by a parent.*

10. *A facility for special events shall submit to the Bureau a program plan for each field trip the facility plans at least 14 days before the field trip is to occur. The plan must include, without limitation:*

(a) *The company that will be providing the transportation;*

(b) *An itinerary of the field trip;*

(c) *An estimated time of departure for and return from the field trip;*

(d) *The plan for food service, which must comply with any applicable requirements of state and local health agencies;*



*(e) The approximate ages and number of children who will be participating in the field trip;*

*(f) Lists for the members of the staff of the facility that identify the group of children for whom each member of the staff will be responsible during the field trip;*

*(g) A system of identification that will be prominently displayed and will assist each member of the staff in readily identifying each child who is in the group of children for whom the member of the staff of the facility will be responsible during the field trip;*

*(h) Copies of the notices of the field trip that were sent to and authorized by a parent of each child who will be participating in the field trip; and*

*(i) For each child who will be participating in the field trip:*

*(1) The telephone number and names of at least two persons who may be contacted by the facility in an emergency involving the child; and*

*(2) A statement signed by a parent of the child indicating that the child does not have any health issues that would prevent the child from participating in the field trip.*

**Sec. 15. 1. Each extended care accommodation facility must have:**

*(a) A designated napping area for all children cared for in the facility; and*

*(b) A separate area designated for infants and toddlers.*

*2. Any meals or snacks provided by an extended care accommodation facility pursuant to NAC 432A.385 may be provided by the facility or a parent of a child cared for in the facility. Food prepared at home by a parent of a child cared for in the facility may only be consumed by that child at the facility in accordance with state and local health agencies.*

*3. In addition to the 35 square feet of indoor space for each child required by NAC 432A.250, an extended care accommodation facility must have:*

*(a) A designated indoor area that provides sufficient space for physical activity, including, without limitation, climbing, basketball, dancing and gymnastics; and*

*(b) Either a separate designated indoor area that provides sufficient area for physical activity for infants and toddlers, or a time in which the designated indoor area described in paragraph (a) is used only for infants and toddlers.*

*4. An extended care accommodation facility may care for a child for not longer than 5 hours in any 24-hour period.*

*5. An extended care accommodation facility shall not operate as a preschool.*

*6. An extended care accommodation facility shall obtain the full name, address and telephone number or pager number of at least two persons who may be contacted by the facility in an emergency involving the child.*

*7. An extended care accommodation facility shall not provide field trips for children cared for in the facility.*

**Sec. 16.** *A licensee of a child care institution shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caregivers if the children are 2 years of age or older:*

*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*

NEW FIRST  
PARALLEL  
SECTION

*8. If the number of children is greater than 93:*

*(a) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;*

*(b) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and*

*(c) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.*

NEW FIRST  
PARALLEL  
SECTION

**Sec. 17. 1.** *A licensee of a shelter child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:*

*(a) For 1 to 15 children, inclusive, one caregiver;*

*(b) For 16 to 31 children, inclusive, two caregivers;*

*(c) For 32 to 46 children, inclusive, three caregivers;*

*(d) For 47 to 61 children, inclusive, four caregivers; and*

*(e) For every 15 children in excess of 61, one additional caregiver.*

**2.** *Every member of the staff who is on duty at night shall remain awake during duty hours.*

NEW FIRST  
PARALLEL  
SECTION

**Sec. 18. 1.** *A licensee of an educational child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:*

*(a) For 1 to 25 children, inclusive, one caregiver; and*

*(b) For every 25 children in excess of 25, one additional caregiver plus an additional on-call or back-up person on-site.*

*2. Every member of the staff who is on duty at night shall remain awake during duty hours.*

**Sec. 19. 1.** *A licensee of a residential child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:*

- (a) For 1 to 15 children, inclusive, one caregiver;*
- (b) For 16 to 31 children, inclusive, two caregivers;*
- (c) For 32 to 46 children, inclusive, three caregivers;*
- (d) For 47 to 61 children, inclusive, four caregivers; and*
- (e) For every 15 children in excess of 61, one additional caregiver.*

*2. Every member of the staff who is on duty at night shall remain awake during duty hours.*

**Sec. 20. 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. 21.** 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 to 9, inclusive, of this regulation* have the meanings ascribed to them in those sections.

**Sec. 22.** NAC 432A.012 is hereby amended to read as follows:

432A.012 “Accommodation facility” ~~means a facility which is operated:~~  
~~—1. By a business that is licensed to conduct a business other than the provision of care to children; and~~  
~~—2. As an auxiliary service provided for the customers of the primary business.]~~ *has the meaning ascribed to it in NRS 432A.0205.*

**Sec. 23.** 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. 24.** NAC 432A.050 is hereby amended to read as follows:

432A.050 “Child care center” means any facility in which the licensee regularly provides day or night care for more than 12 children ~~[;]~~ *and which is developmentally appropriate for those children.*

Sec. 25. NAC 432A.070 is hereby amended to read as follows:

432A.070 “Child care institution” ~~means a facility in which the licensee provides care during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians.~~ *has the meaning ascribed to it in NRS 432A.0245.*

Sec. 26. NAC 432A.080 is hereby amended to read as follows:

432A.080 “Director” means the licensee or a person appointed by the licensee who is responsible for ~~managing~~ the *daily* operation, *administration and management* of the facility.

Sec. 27. NAC 432A.145 is hereby amended to read as follows:

432A.145 “Nursery for infants and toddlers” means a child care facility ~~in~~:

1. *In* which the licensee provides *an early* care *and education program* for five or more children who are under 2 years of age ~~in~~; *and*
2. *That has established specific goals to enhance the cognitive, social, emotional, physical and creative development of each child at the facility.*

Sec. 28. NAC 432A.170 is hereby amended to read as follows:

432A.170 The Bureau shall:

1. Ensure that every person operating a facility is licensed;
2. Make and maintain files regarding the interpretation by courts of the provisions of this chapter ~~in~~ and make these files available for public review;
3. When requested, offer assistance and consultation to licensees of facilities;
4. *As determined appropriate by the Bureau, provide technical assistance and support to licensees of facilities and to caregivers;*

5. Aid the Board in developing an awareness within local communities of the need to protect children by licensing operators of facilities; and

~~[5.]~~ 6. Develop a strong working relationship with local and state zoning, fire, health and safety officials for the purpose of evaluating facilities and licensing their operators.

**Sec. 29.** NAC 432A.180 is hereby amended to read as follows:

432A.180 1. Any county or city which desires to establish or has established a child care licensing agency must file a copy of any proposed ordinance or regulation for licensing facilities with the Bureau for review not later than 30 days before a public hearing is held on the proposed ordinance or regulation. The ordinance or regulation adopted by the county or city must be filed with the Bureau for its approval within 30 days after adoption.

2. Every local licensing agency shall ~~[monthly]~~ submit *on a quarterly basis* to the Bureau a roster of all facilities in its jurisdiction which are currently licensed.

**Sec. 30.** NAC 432A.190 is hereby amended to read as follows:

432A.190 1. Inspections of any building or premises of a facility pursuant to NRS 432A.180 may be unannounced and must be made at least two times during the 12-month licensing period or once every 6 months. ~~[More frequent inspections may be made if the Bureau has reason to believe the licensee of a facility is not meeting the requirements]~~ *Any authorized member or employee of the Bureau may enter and inspect any building or premises of a facility at any time pursuant to NRS 432A.180 to secure compliance with or prevent a violation of any provision* of this chapter or chapter 432A of NRS.

2. In conducting inspections and investigations, the Bureau may call upon political subdivisions and governmental agencies for assistance. The licensee or applicant shall cooperate with the person conducting the investigation by providing access to the buildings, records and



staff of the facility. Failure to provide such access is a ground for revocation of a license or denial of an application for a license.

3. On confirmation of the operation of an unlicensed operator of a facility, the Bureau or the local licensing agency shall investigate and attempt to license the operator of the facility, force discontinuance of the operation of the facility or prosecute the violation.

**Sec. 31.** NAC 432A.200 is hereby amended to read as follows:

432A.200 1. An application for an initial license to operate a facility must be:

(a) Submitted to the Bureau on a form supplied by the Bureau; and

(b) Accompanied by the following appropriate fee:

- (1) If the facility is to provide care for 5 or 6 children.....\$20
- (2) If the facility is to provide care for 7 or more but not more than 12 children .....60
- (3) If the facility is to provide care for 13 or more but not more than 50 children .....100
- (4) If the facility is to provide care for 51 or more but not more than 100 children .....150
- (5) If the facility is to provide care for 101 or more but not more than 150 children .....200
- (6) If the facility is to provide care for 151 or more but not more than 200 children .....250
- (7) If the facility is to provide care for more than 200 children.....300

2. After receiving a completed application and payment of the appropriate fee, the Bureau

~~will:~~ *shall:*

(a) Conduct an investigation into the qualifications and background of ~~every~~ :

*(1) Every* applicant and his employees, ~~and every~~ *other than an educational intern who provides direct care to children for a period of less than 6 months; and*

*(2) Every* resident of the facility who is 18 years of age or older;

(b) *Conduct a partial investigation into the qualifications and background of every resident of the facility who is at least 16 years of age but less than 18 years of age;*

(c) *Conduct a partial investigation into the background of every volunteer of the facility who is at least 16 years of age and who regularly works for 15 hours or more per week in the facility;*

(d) Inspect the buildings of the facility; and

~~(e)~~ (e) Examine the plans for care of the children and management of the facility.

3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.

4. Fingerprints must be taken and applications for investigations must be made by:

(a) ~~(An)~~ *Every* employee or a resident of the facility *who is at least 18 years of age and every volunteer who is at least 18 years of age and who regularly works for 15 hours or more per week in the facility* within 3 working days after the date of hiring or his presence in the facility, and every 6 years thereafter.

(b) An applicant at the time of an application for initial license.

(c) A licensee every 6 years after the date his license is originally issued.

5. *Every 2 years after the investigation conducted pursuant to subsection 2 is completed, the Bureau shall conduct a partial investigation into the background of each volunteer who is at least 16 years of age and who regularly works for 15 hours or more in a facility and into the background of each licensee and employee of a facility.*

6. The Bureau ~~(will)~~ *shall* immediately notify the applicant or licensee if the investigation *conducted pursuant to subsection 2 or 5* indicates that he or an employee or resident of the

facility *or a volunteer who regularly works for 15 hours or more per week in the facility* has been convicted of any offense listed in subsection 2 of NRS 432A.170.

~~[6.]~~ **7.** The license must not be issued until the Chief of the Bureau is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection by the State Fire Marshal or the ~~[State Health Officer,]~~ *Bureau of Health Protection Services of the Health Division of the Department*, finding satisfactory conditions, may be accepted by the Chief as proof of compliance with the applicable regulations.

~~[7.—A]~~

**8.** *With the exception of a facility that is licensed by a branch of the military or naval service of the United States, a* licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.

~~[8.]~~ **9.** An applicant must, before a license is issued to him, submit to the Bureau a certificate stating that he holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. 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.

~~[9.]~~ **10.** If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his application and related material and the investigation, a license will be issued to him within 30 days after completion of the investigation.

~~{H0}~~ 11. A licensee shall return to the Bureau his license if he ceases to operate a facility, if the license has been suspended or revoked or if his ~~{annual}~~ license is placed on a provisional basis.

12. *As used in this section, “partial investigation” includes, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.*

Sec. 32. NAC 432A.210 is hereby amended to read as follows:

432A.210 1. Each license must contain the name of each person authorized to operate the facility, the location of the facility, the number of children for whom care may be provided pursuant to the license and the nature of child care services which may be provided.

2. The *current* license issued to an operator of a facility must be signed by the Chief *of the Bureau* and conspicuously posted in a public place within the facility.

3. The license is not transferable from one licensee to another licensee or from a licensee to a person who is not a licensee. A license is valid only for the premises described in the license.

4. Except as ~~{provided}~~ otherwise *provided* in this chapter, a licensee may not care for a greater number of children than the number set forth on the license issued to the licensee.

Sec. 33. NAC 432A.220 is hereby amended to read as follows:

432A.220 1. ~~{A}~~ *Except as otherwise provided in section 13 of this regulation, a* licensee of a facility may apply for reissuance of a license ~~{no}~~ *by submitting an application for reissuance which must be received by the Bureau, or postmarked if mailed, not* later than 45 days before the expiration of the license. The Bureau shall provide all forms and materials necessary for reissuance of a license. *The Bureau shall charge a late fee of \$50 for an*

*application for reissuance of a license that is received or postmarked later than 30 days before the expiration of the license.*

2. After receipt of an application for reissuance of a license and the receipt of a fee for reissuance computed in the same manner described in subsection 1 of NAC 432A.200, the Bureau shall conduct a survey to determine whether the licensee of a facility meets all of the requirements for issuance of a license set forth in NAC 432A.200.

3. If, after investigation, the Bureau determines that the facility complies with the requirements of NAC 432A.200, a license must be reissued for 1 year. A reissued license may be revoked or suspended on the same grounds as an initial license.

**Sec. 34.** NAC 432A.280 is hereby amended to read as follows:

432A.280 1. Each licensee shall develop an appropriate plan to ensure that the staff of his facility is prepared to respond in an emergency, including, without limitation, a fire or natural disaster. *The plan must, at a minimum, be reviewed on a quarterly basis during a meeting of the staff of the facility. Each licensee shall ensure that the plan is, at a minimum, evaluated annually and is changed as necessary.*

2. Each plan developed pursuant to subsection 1 must include, without limitation:

- (a) The duties of the director and staff;
- (b) A procedure for removing staff and children to a shelter within a building of the facility if the staff and children are instructed to do so by emergency personnel;
- (c) A procedure for evacuating the facility;
- (d) A plan for transportation;
- (e) A list of sites that may be used for relocation;
- (f) A plan for the supervision of the children of the facility during the emergency;

(g) The manner in which children and staff from the facility will be accounted for during the emergency; and

(h) The method for contacting emergency personnel, including, without limitation, the fire department, a law enforcement agency or any other appropriate authority.

3. The licensee of a facility shall hold:

(a) A fire drill at least once every month; and

(b) A drill for natural disasters at least once every 3 months.

4. Appropriate plans for removing the staff and children of a facility to a shelter within a building of the facility and for the evacuation of the facility in case of emergency must be conspicuously posted in a public place in the facility.

5. The director of the facility shall maintain a daily sign-in sheet that includes:

(a) The first and last names of staff and children; and

(b) The times of arrival and departure for staff and children.

6. To maintain his license, the licensee must ensure that his facility meets all standards for fire safety which are established by the State Fire Marshal.

7. The State Fire Marshal or his designee shall, at least annually:

(a) Enter and inspect every building or the premises of each facility; and

(b) Observe and make recommendations regarding the drills conducted pursuant to subsection 3.

8. Reports of the drills conducted pursuant to subsection 3 and the inspections concerning the fire safety of a facility conducted pursuant to subsection 7 must be maintained in a physical file at the facility and *be* available for review at the facility by a parent of a child who attends the

facility or a parent who is considering enrolling his child at the facility for at least 2 years after the date of inspection.

**Sec. 35.** NAC 432A.290 is hereby amended to read as follows:

NEW FIRST  
PARALLEL  
SECTION

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. If, during the time school is in operation, the licensee of a facility provides transportation for ~~[school-age]~~ children *of school age* to and from a public or private school, the ratio of staff ~~[persons]~~ to children in the vehicle must be not less than one member of the staff for every 15 children. ~~[The driver of the vehicle may be counted as a staff person for the purposes of maintaining the required ratio.]~~

*5. 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.*

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

NEW  
SECOND  
PARALLEL  
SECTION

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.*

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.

~~6.7~~ 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.

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

NEW  
THIRD  
PARALLEL  
SECTION

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 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.

**Sec. 38.** NAC 432A.304 is hereby amended to read as follows:

432A.304 1. ~~{Except as otherwise provided in subsection 4, the director of a child care facility shall be present in the facility at least 25 hours per week during its hours of operation. —2.}~~ The director *of a child care facility* is responsible for screening, scheduling and supervising the staff of the facility ~~{}~~ and for the conduct of each member of the staff at the facility.

~~{3.}~~ 2. The director shall:

- (a) Provide a program for child care for the facility which meets the requirements of this chapter;
- (b) Provide space for an office, the storage of records, conferences with parents, meetings of the staff and all other needs of the program for child care;
- (c) Maintain *organized separate* records ~~{of personnel, enrollment, attendance and other activities};~~

~~(d)~~ for each employee that include, without limitation, documents related to training. Such records must include, without limitation:

(1) Documents verifying that the employee has, if applicable:

(I) Completed the training required pursuant to NRS 432A.177;

(II) Received the orientation and basic training required pursuant to NAC 432A.320;

(III) Completed the training required pursuant to NAC 432A.323; and

(IV) Completed the training required pursuant to NAC 432A.326; and

(2) A copy of the documentation concerning, and the results of, the investigation of the employee's background and personal history which is conducted pursuant to NRS 432A.170, including, without limitation, a clearance letter from the Bureau or a current child care work card, and a release form for this information completed by the employee;

(d) Ensure that each member of the staff of the facility who is not a caregiver, but whose job duties may directly impact children cared for in the facility, has the training necessary to protect the health and safety of the children and the health and safety of the other members of the staff, including, without limitation, training concerning proper nutrition, methods of sanitation and procedures for maintaining a safe environment in the facility;

(e) Work with parents and include them, whenever possible, in the programming and functioning of activities;

~~(e)~~ (f) Cooperate with the Bureau and other agencies of government to improve the quality of child care and the competence of ~~caretakers;~~ caregivers; and

~~(f)~~ (g) Designate a member of the staff who is responsible for the operation of the facility when the director is not present at the facility.

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PARALLEL  
SECTION

~~[4.]~~ 3. If the facility is in operation 25 hours or less, the director ~~[shall]~~ **must** be present in the facility during at least half the hours of operation.

**Sec. 39.** NAC 432A.306 is hereby amended to read as follows:

432A.306 1. Every ~~[caretaker of children]~~ **caregiver** in a child care facility must ~~[be:~~  
~~—(a) At]~~ :

(a) **Be at** least 16 years of age;

(b) ~~[Able]~~ **Be able** to summon help in an emergency; ~~[and~~

~~—(c) Emotionally]~~

(c) **Be emotionally** and physically qualified to carry out a program which places emphasis on the development of children ~~[;]~~ ; **and**

(d) **Except as otherwise provided in subsection 5, within 90 days after the caregiver commences his employment in the child care facility, apply with The Nevada Registry or its successor organization, and annually renew his registration before the date on which it expires.**

2. Not more than 50 percent of the ~~[caretakers]~~ **caregivers** in a child care center ~~[;]~~ **or** a child care institution ~~[for a preschool]~~ may be under 18 years of age. Any ~~[caretaker]~~ **caregiver** who is under 18 years of age and is employed in such a facility must:

(a) Have completed a course in the development of children which is approved by:

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

(2) If **the course 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; or

(b) Be currently enrolled in such a course.

3. A child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility.

*4. A volunteer for a child care facility, regardless of his age, and a member of the staff of the facility who is under 18 years of age may not provide direct care to a child at the facility unless the care is provided under the supervision of an employee of the facility who is 18 years of age or older.*

*5. A caregiver in 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. 40.** NAC 432A.306 is hereby amended to read as follows:

432A.306 1. Every caregiver in a child care facility must:

(a) Be at least 16 years of age;

(b) Be able to summon help in an emergency;

(c) Be emotionally and physically qualified to carry out a program which places emphasis on the development of children; and

(d) Except as otherwise provided in subsection 5, within 90 days after the caregiver commences his employment in the child care facility, apply with The Nevada Registry or its successor organization, and annually renew his registration before the date on which it expires.

2. Not more than 50 percent of the caregivers in a child care center, ~~or~~ a child care institution *or an early care and education program* may be under 18 years of age. Any caregiver who is under 18 years of age and is employed in such a facility must:

(a) Have completed a course in the development of children which is approved by:

NEW  
SECOND  
PARALLEL  
SECTION



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

(2) If the course 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; or

(b) Be currently enrolled in such a course.

3. A child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility.

4. A volunteer for a child care facility, regardless of his age, and a member of the staff of the facility who is under 18 years of age may not provide direct care to a child at the facility unless the care is provided under the supervision of an employee of the facility who is 18 years of age or older.

5. A caregiver in 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. 41.** NAC 432A.308 is hereby amended to read as follows:

432A.308 1. Whenever a child care facility is in operation, ~~[at least one of the caretakers]~~ *each caregiver* on duty must have completed ~~[a program]~~ *training* for the recognition of signs and symptoms of illness and the administration of first aid.

2. The ~~[program may be carried out in a classroom or on the job. The program]~~ *training for the recognition of signs and symptoms of illness* must include ~~[training in]~~, *without limitation, the provision of information concerning* health and the observation and evaluation of signs and symptoms of illness and responses to illness and emergencies ~~[, including]~~ *and training in the prevention of exposure to bloodborne pathogens. The training for the administration of first*

*aid must include, without limitation,* the administration of first aid to victims of fire, serious injury or the ingestion of poison. ~~[The]~~ *Both types of* training must be ~~[provided]~~ :

(a) *Provided* by a licensed health care professional or a representative of a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or ~~[another appropriate institution.~~

~~—3.— A licensee of a child care facility must present evidence to:~~

~~—(a) An agency designated by the Director of the Department; or~~

~~—(b) If the Director has not designated an agency, the Bureau or the local licensing agency, showing that caretakers on duty while the facility is operating are in compliance with the requirements of this section, described in subsection 4.~~

~~—4.] an institution approved by The Nevada Registry or its successor organization; and~~

(b) *Approved by:*

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

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

3. A certificate or other evidence of compliance issued by a licensed health care professional, a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or ~~[another appropriate institution]~~ *an approved provider of such training* is adequate evidence of compliance.

**Sec. 42.** NAC 432A.310 is hereby amended to read as follows:

432A.310 1. Every member of the staff of a facility, including a volunteer, shall present to the director of the facility, to be placed in the employee's file, written evidence that the employee is free from communicable tuberculosis. The evidence must be in the form of a report ~~[that]~~ *which* states that the employee is free from active tuberculosis as required pursuant to subsection 2 or 3.

2. Before a person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, begins employment at a facility, he must have submitted to a:

(a) Mantoux tuberculin skin test; or

(b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ within the 12 months immediately preceding the first day of employment at the facility.

3. Every member of the staff of a facility, including a volunteer, shall submit to:

(a) A Mantoux tuberculin skin test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ at least once every 24 months after the date the skin test or chest radiograph and examination were conducted pursuant to subsection 2.

4. Each ~~[caretaker]~~ *caregiver* or member of the staff of a facility who has an identified health problem that may affect his ability to provide adequate care to children in a facility shall:

(a) Report the problem to the director of the facility or, if self-employed, to his licensing agency; and

(b) Submit to the director or, if self-employed, to his licensing agency, a written statement from a licensed physician attesting to the fact that the health of the ~~caretaker~~ caregiver does not endanger the children who are under his care in the facility.

5. Each director shall report to his licensing agency any health problem reported to him pursuant to subsection 4.

6. Each director or ~~caretaker,~~ caregiver, if self-employed, shall immediately report to his licensing agency any person residing at his facility who contracts a serious communicable disease.

*7. Each caregiver or member of the staff of a facility who has herpetic gingivostomatitis, a cold sore or herpes labialis shall:*

*(a) Refrain from engaging in close contact with children cared for in the facility;*

*(b) Refrain from sharing food or drink with children cared for in the facility or with other caregivers or members of the staff of the facility;*

*(c) Avoid touching the lesions;*

*(d) Wash his hands frequently; and*

*(e) Cover any skin lesion with a bandage, clothing or other appropriate dressing.*

**Sec. 43.** NAC 432A.326 is hereby amended to read as follows:

432A.326 1. During each 12-month period immediately succeeding the completion of the initial training required pursuant to NAC 432A.323, each director ~~and licensee~~ of a child care facility and each ~~caretaker~~ caregiver who is employed at the facility shall ~~participate in a program of training in child care for~~ complete at least 15 hours ~~of training in professional development,~~ of which not more than 3 hours may be training in the administration of cardiopulmonary resuscitation . ~~including a course completed to maintain the certification~~

~~required pursuant to NAC 432A.322. The program may be in the form]~~ *The required hours of training may consist of:*

(a) ~~[Workshops]~~ *Informal training, including, without limitation, on-site training at a facility, community workshops* or conferences;

(b) Formal training; or

(c) ~~[Training at a child care facility during the period of employment.]~~ *An early child care and education course offered by a community college or university.*

2. Any training ~~[included in the program]~~ relating to the administration of cardiopulmonary resuscitation 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.*

3. The ~~[program]~~ *training* must be ~~[provided 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.

4. A director ~~[, licensee or caretaker]~~ *or caregiver* described in subsection 1 may not receive credit toward the ~~[program of]~~ training required pursuant to subsection 1 for hours of training received concerning the administration of first aid or concerning the recognition of signs and symptoms of illness more than once every 36 months.

**Sec. 44.** NAC 432A.340 is hereby amended to read as follows:

432A.340 1. Procedures for admission must provide the ~~caretaker~~ *caregiver* with sufficient information and instruction from the parents to enable the ~~caretaker~~ *caregiver* to prepare a record and to make decisions or act on behalf of the child.

2. Before the admission of a child to a facility, the parent shall give the following information to the ~~caretaker~~ *caregiver*:

- (a) The child's full legal name, date of birth, current address and preferred name;
  - (b) The name, address and telephone number of each parent responsible for the child and any special instructions needed to reach the parent during the hours the child is in the facility;
  - (c) The name, address and telephone number of any person who can assume responsibility for the child and is authorized to take the child from the facility if the parents cannot be reached;
  - (d) Information concerning the health of the child, including any special needs of the child;
- and
- (e) A written authorization signed by a parent which allows emergency surgical and medical care.

3. The ~~caretaker~~ *caregiver* shall, unless the facility is an accommodation facility:

- (a) Make a record for each child that includes the date the record was prepared and the date the child is scheduled to attend the facility; and
- (b) Maintain each record in good order.

**Sec. 45.** NAC 432A.350 is hereby amended to read as follows:

432A.350 1. Every licensee of a facility shall adopt a written statement which:

- (a) Sets forth the general services to be offered to the children;
- (b) Provides for the special needs of each child;

- (c) States the requirements for admission and procedures for enrollment;
- (d) Sets forth fees and any plan for payment of fees;
- (e) Provides rules relating to personal belongings brought to the facility;
- (f) Covers arrangements for transportation;
- (g) Requires written parental permission for trips and activities outside the facility;
- (h) Provides for parental involvement in the general functions of the facility;
- (i) Gives either or both parents the right to observe the program of the licensee before enrollment and at any time after enrollment of the child;

(j) ~~Notifies~~ *For a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, notifies either or both parents that smoking of tobacco in any form is prohibited in the facility at all times;*

(k) *For a facility other than a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, notifies* either or both parents if smoking of tobacco is permitted on the premises of the facility in a designated area approved by the fire authority;

~~(l)~~ (l) Notifies either or both parents if and when a member of the staff who is trained and certified in cardiopulmonary resuscitation ~~(CPR)~~ is on duty at the facility; and

~~(m)~~ (m) Notifies either or both parents of the contents of any plan created pursuant to NAC 432A.280 to ensure that the staff of the facility is prepared to respond to an emergency.

2. In addition to the information required by subsection 1, a licensee for a facility that provides care for ill children shall adopt criteria for admission that set forth:

- (a) The illnesses and disabilities that are accepted;
- (b) The illnesses and disabilities that are not accepted;
- (c) The ages of children served by the facility;

(d) The information required from a parent before a child may be admitted to the facility; and

(e) The procedures to be followed by the staff of the facility in the event of an emergency.

3. Every licensee shall provide a copy of the statement described in subsection 1 to each paid or volunteer member of its staff, to each parent of a child enrolled in the facility and to the Bureau.

4. The name, business address and business telephone number of any person who has legal or administrative responsibility for the facility must be provided to each parent of a child enrolled in the facility and to the Bureau.

5. The licensee of a facility shall notify each parent of a child enrolled in the facility and the Bureau of significant changes in the services offered by the facility.

**Sec. 46.** NAC 432A.385 is hereby amended to read as follows:

432A.385 1. The staff of each facility shall:

(a) Provide appropriate and adequate seating for the children at the facility during snacks and meals;

(b) If a high chair is used, ensure that the chair:

(1) Is in good condition;

(2) Has a wide base; and

(3) Has a safety belt for the child;

(c) Wash with a detergent and disinfect after each use any chair or table that is used during a snack or meal;

(d) Allow, encourage and assist each child to feed himself, including, without limitation, encouraging a child to hold and drink from a cup, use a spoon and use his fingers to feed himself;

(e) Offer each child drinking water at times other than during his regular feedings;



(f) Discard any food that is left in a dish after a meal;

(g) *Ensure that bottles and containers of food are not kept in water longer than 5 minutes, and stir, shake and test a bottle or container of food before using the bottle or container to feed an infant;*

(h) *Not hold an infant while preparing food;*

(i) *On a daily basis, empty, clean and sanitize any pot used to warm a bottle or food;*

(j) Store each bottle of formula and container of food in accordance with the instructions from the manufacturer of the formula or food;

~~(h)~~ (k) Label each bottle of formula and container of food with the name of the child to whom it belongs and the date the formula or food was prepared by the facility or was prepared or purchased by the parent;

~~(h)~~ (l) Immediately refrigerate and label each container of breast milk provided by a parent;

~~(h)~~ (m) Return each bottle to the appropriate parent each day;

~~(h)~~ (n) Return any unused, open container of food to the appropriate parent each day if the child was not fed directly from the container of food; and

~~(h)~~ (o) Develop with the parents of a child a plan for feeding the child, which must include, without limitation:

- (1) Instructions for feeding;
- (2) Any special dietary restrictions, including, without limitation, any allergies to food;
- (3) A schedule of times for feeding;
- (4) Whether the child will be fed breast milk, formula or solid food;
- (5) If the child will be fed breast milk or formula, when to begin feeding solid food; and
- (6) Likes and dislikes of certain foods.

2. A child who is fed with a bottle and does not hold his own bottle must be held by a **[caretaker] caregiver** while being fed with a bottle. The bottle must not be propped for feeding. A child who demonstrates a preference for holding a bottle during feeding may hold his own bottle and need not be held by a **[caretaker] caregiver** if the **[caretaker] caregiver** is directly observing the child.

3. The staff of a facility may feed a child commercially prepared baby food directly from the jar in which it was packaged or from a separate dish. If the staff feeds the child from the jar, the staff shall discard the jar after it is used.

**Sec. 47.** NAC 432A.411 is hereby amended to read as follows:

432A.411 1. Each area in a facility that is used for changing diapers must:

- (a) Have a smooth, nonabrasive, impervious surface;
- (b) Be located within close proximity to a sink that is not used for the preparation of food;
- (c) Not be located in an area in which food is prepared;
- (d) Have a smooth, nonabsorbent floor covering;
- (e) Have nearby, for wet or soiled diapers, a washable receptacle that is lined with plastic and covered with a lid;
- (f) Be kept in good repair and in a safe condition; and
- (g) Be cleaned and disinfected after each use by removing any visible soil and applying an approved disinfectant.

2. Each soiled cloth diaper and any soiled clothing that may be contaminated with contagious matter must be stored in an individual plastic bag and be returned to the parents daily.

***The facility is not required to rinse or dump the contents of a diaper or the underwear of a child cared for in the facility. Each diaper used, including, without limitation, a commercial***

*disposable diaper, must be able to contain urine and stool and minimize contamination. If cloth diapers are used on children, an absorbent inner liner and a waterproof outer covering must be provided with the diaper.*

3. The staff of a facility:

- (a) Shall discourage children from coming near an area that is used for changing diapers; and
- (b) Shall not leave a child unattended in the diaper changing area.

**Sec. 48.** NAC 432A.412 is hereby amended to read as follows:

432A.412 1. Each facility must have written procedures concerning the washing of hands.

2. The staff of a facility shall follow the procedures of the facility concerning the washing of hands and shall instruct, monitor and assist the children being cared for at the facility to ensure that the children follow the procedures.

3. The procedures concerning the washing of hands must require, without limitation, that:

(a) The staff of the facility wash their hands with soap from a dispenser and warm water:

- (1) Any time that their hands come into contact with blood, mucus, vomit, feces or urine;
- (2) Before preparing or handling food;
- (3) Before engaging in any activity related to serving food, including, without limitation, setting the table;
- (4) Before and after eating a meal or snack;
- (5) After using the toilet, helping a child use the toilet or changing a diaper with or without gloves;
- (6) After attending to an ill child; ~~and~~
- (7) After handling an animal ~~;~~;
- (8) *Before and after giving medication to a child; and***

*(9) After cleaning a container used to store garbage or handling garbage.*

(b) The children being cared for in the facility wash their hands with soap from a dispenser and warm water:

(1) Any time that their hands come into contact with blood, mucus, vomit, feces or urine;

(2) Before handling food;

(3) Before and after eating a meal or snack; ~~and~~

(4) After handling an animal ~~and~~;

*(5) After the diaper or underwear of the child is changed;*

*(6) After playing in water; and*

*(7) After playing in a sandbox.*

(c) The staff of the facility shall ensure that:

(1) Each bathroom has running water, soap and single-use or disposable towels; and

(2) Any common basin or sink which is filled with standing water is not used for the washing of hands.

**Sec. 49.** NAC 432A.413 is hereby amended to read as follows:

432A.413 1. Each facility ~~must~~ *shall* develop written guidelines concerning the methods used by the staff of the facility for toilet training and the use of appropriate equipment and clothing for such training.

2. The guidelines concerning toilet training must be distributed to each parent of each child being cared for at the facility who is not yet toilet trained.

3. The guidelines must require the staff of the facility:

(a) Not to force a child to remain on the toilet for a prolonged period of time or punish a child for wetting or soiling his clothing;

- (b) Not to leave a child unattended while the child is sitting on a potty-chair or on the toilet;
- (c) To instruct and assist the children in washing their hands after using the toilet; and
- (d) If a potty-chair is used to train a child to use the toilet, to:
  - (1) Place the potty-chair on a washable, impervious floor;
  - (2) Use the potty-chair in accordance with the instructions from the manufacturer;
  - (3) Ensure that the potty-chair is stored and used in an area that is not in close proximity to an area used for the preparation of food;
  - (4) Empty the potty-chair into a toilet immediately after each use; ~~and~~
  - (5) Thoroughly clean and disinfect the potty-chair after each use ~~and~~; *and*
  - (6) Disinfect the utility sink where the potty-chair was cleaned.*

**Sec. 50.** NAC 432A.414 is hereby amended to read as follows:

432A.414 1. A carpeted floor or rug on a floor that is too large to wash in a washing machine must be vacuumed not less than one time each day or more often if necessary and ~~professionally~~ cleaned not less than one time every 3 months or more often if necessary. *If the carpeted floor or rug is cleaned by a member of the staff of the facility using a carpet cleaning machine, the Bureau may require the carpeted floor or rug to be professionally cleaned if the carpeted floor or rug does not appear to be clean.*

2. Each floor of a facility that is not carpeted must be swept and mopped not less than one time each day or more often if necessary.

3. When cleaning a nonporous surface in a facility, including, without limitation, cleaning toys, cribs, tables, high chairs and surfaces used to change diapers, the staff of the facility shall:

- (a) Clean the surface first with soap and water to remove any dirt or debris; and
- (b) Disinfect the surface with a disinfecting agent.

4. The disinfecting agent used pursuant to subsection 3 must consist of:

(a) One-fourth of a cup of liquid chlorine bleach added to 1 gallon of water that is prepared fresh daily ~~[:]~~ *and kept in a closed container;*

(b) One tablespoon of liquid chlorine bleach added to 1 quart of water that is prepared fresh daily; or

(c) A solution that is approved by the appropriate state or local agency and is at least as effective as the solutions described in paragraphs (a) and (b).

**Sec. 51.** NAC 432A.415 is hereby amended to read as follows:

432A.415 1. Equipment and any material other than a toy that is used for play in a facility must be durable and free from characteristics that may be hazardous or injurious to a child who is less than 2 years of age, including, without limitation, such characteristics as sharp or rough edges, toxic paint or objects that are small enough for a child of that age to swallow and choke on.

2. Any object, toy or component of a toy that is accessible by a child who is less than 3 years of age at a facility must meet the federal size requirements set forth in 16 C.F.R. § 1501.4.

3. Toys with sharp points or edges, plastic bags and objects made from Styrofoam must not be accessible to a child who is less than 3 years of age.

4. A toy or any other piece of equipment that is used for play must be made of a material that is capable of being disinfected and must be cleaned and disinfected promptly after the toy or other piece of equipment has been soiled or put into the mouth of a child, or not less than one time each day.

5. The staff of a facility shall not provide a stuffed animal to any child unless the stuffed animal is laundered or disinfected not less than one time each day or more often if necessary.

6. Toys placed in a crib at a facility must be appropriate for the age of the child using the crib. The staff of a facility shall adhere to any requirement set forth on the label of a toy regarding the safe use of the toy.

7. Each room at a facility that is used for play and other activities for children must have:

(a) Low, open shelves to store toys;

(b) An adequate supply of toys that are *in good condition and* appropriate for the age of the children;

(c) Tables and chairs that are the appropriate size for the children; and

(d) Any other equipment that is necessary to meet the needs of the children.

8. *Any toy that is broken or has a missing part must be repaired or replaced before the toy may be used in the facility.*

9. *Walkers for children that are designed to be moved across the floor must not be used in a facility.*

**Sec. 52.** NAC 432A.416 is hereby amended to read as follows:

NEW FIRST  
PARALLEL  
SECTION

432A.416 1. *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;

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

~~(e)~~ (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;

~~(d)~~ (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;

~~(e)~~ (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;

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

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

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

~~(i)~~ (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;

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

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

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



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

~~[2.]~~ 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. 53.** NAC 432A.416 is hereby amended to read as follows:

NEW  
SECOND  
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.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.

**Sec. 54.** 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.

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. 55.** NAC 432A.420 is hereby amended to read as follows:

432A.420 1. A nursery for infants and toddlers may be a part of another type of facility if each part of the facility meets the requirements of this chapter. If such a nursery is a part of a larger facility, the director or one ~~[caretaker]~~ *caregiver* who meets the qualifications of a director ~~[for the nursery]~~ must spend at least one-half of his time in the nursery.

- 2. ~~[The director of a nursery for infants and toddlers in any facility must:~~
  - ~~—(a) Have completed the training required to become a professional nurse;~~

~~—(b) Have completed the training required to become a licensed practical nurse, and have at least 6 months of verifiable experience which is satisfactory to the Bureau in a program related to the care of children under 3 years of age;~~

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

~~—(d) Be at least 21 years of age and hold a high school diploma or, if approved by the Chief of the Bureau, its equivalent, and have completed at least 12 semester hours of education, of which:~~

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

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

~~→ and at least 2 years of verifiable experience which is satisfactory to the Bureau in a program related to the care of children under 3 years of age; 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.~~

~~—3.]~~ In a facility where a director is not required, the director of the nursery for infants and toddlers shall ensure that the required number of persons on the staff is maintained.

**Sec. 56.** NAC 432A.425 is hereby amended to read as follows:

432A.425 1. The director or a designated member of the staff of a nursery for infants and toddlers or other facility that enrolls infants and toddlers shall discuss policies concerning the health of an infant or toddler with the parents before enrollment of the child. Every parent must be given a description of and agree in writing to the following matters concerning the child:

(a) Feeding;

(b) Diapering;

- (c) Changes of clothing, which are to be provided by the parents;
- (d) Bathing, including, without limitation, the kind of soap to be used;
- (e) Precautions against infectious disease;
- (f) Sleeping;
- (g) Toilet training;
- (h) Daily reports to the parents;
- (i) Any special precautions regarding the health and safety of the child; and
- (j) Any other information deemed necessary by the facility or the Bureau.

2. A ~~caretaker~~ *caregiver* must be assigned to a specific group of infants on a continuing basis.

3. Except as otherwise provided in paragraph ~~(m)~~ (n) of subsection ~~H~~ 3 of NAC 432A.416, each infant and toddler must be under direct visual observation by a qualified ~~caretaker~~ *caregiver* at all times.

4. Each infant and toddler must be given undivided attention by the same ~~caretaker~~ *caregiver* for at least 30 minutes in the morning and 30 minutes in the afternoon, including periods of feeding and bathing. The ~~caretaker~~ *caregiver* shall, during this time:

- (a) Hold and talk to the child;
- (b) Encourage the development of the child's coordination by allowing him to reach for, grasp, creep, crawl or pull up;
- (c) Give toddlers the opportunity to develop the large muscles of the body by activities such as climbing and walking; and
- (d) Encourage the child to interact socially through playing, using language and solving problems using materials and equipment that are appropriate for the age of the child. Infants

under 6 months of age must be provided an additional period of not less than 2 hours of activity each day out of the crib, for example, in a playpen or other suitable area.

5. Each licensee of a facility shall provide an indoor area which is covered by a soft or nonabrasive material and is protected from traveled walkways where crawling children can be on the floor for at least a part of the day.

6. A ~~caretaker~~ *caregiver* may take the infant or toddler assigned to him outside or to areas of the facility other than their usual room for a part of each day to provide a change in their physical environment and to increase opportunities for social interaction.

7. When weather permits, each toddler over 12 months of age must be taken outside for a portion of each day. If the weather is extremely hot, the toddler must be kept in a shaded area while outdoors.

8. An infant who is awake must not be left in a crib for long periods without direct adult care and never for more than 30 minutes at a time.

9. The staff of a nursery for infants and toddlers shall separate the infants from the toddlers while the toddlers are engaging in physical activities.

10. There must be a resilient surface under equipment that is used for playing and climbing at a nursery for infants and toddlers. Such equipment must be appropriate for the age of the children using the equipment.

11. The staff of a nursery for infants and toddlers shall promote the healthy development of toddlers by:

- (a) Expressing feelings with words;
- (b) Giving directions that are worded in a positive manner;
- (c) Modeling desirable behavior; and

(d) Redirecting behavior.

12. The staff of a nursery for infants and toddlers shall not discipline or punish an infant or toddler by confining him to a crib, high chair, playpen or other such piece of furniture or equipment.

13. The staff of a nursery for infants and toddlers shall prepare a daily report for each infant less than 12 months of age for whom it provides care. The report must be posted in a conspicuous place in each room used to care for the infants and must include, without limitation, information concerning the feeding, diapering and sleeping of each infant.

**Sec. 57.** NAC 432A.450 is hereby amended to read as follows:

432A.450 1. Each licensee of an institution shall:

(a) Formulate, in writing, a statement of:

(1) The services and specific programs offered; and

(2) The procedure for admission and the information which must be contained in an application for admission.

(b) Obtain or develop a complete social study of each child not later than 30 days after his admission.

(c) If caring for a child for money, enter into a written agreement with the parent of the child which outlines the duties and responsibilities of each party.

2. Each licensee of an institution shall:

(a) Establish a regular program of activities which has sufficient flexibility to respond to the needs of each child;

(b) Integrate the institutional programs with activities in the community in a manner that allows children to participate in the normal living patterns of the community;



- (c) Maintain and develop constructive relationships between the child and his parents, brothers and sisters, other relatives ~~[ ]~~ and members of the staff of the institution;
- (d) Make the greatest use of small groups of persons to aid in developing the individuality of the child and helping him to attain a sense of personal identity;
- (e) Establish a program of personal hygiene for every child;
- (f) Provide every child with his own toiletries, including a toothbrush and comb, and with clean towels and washcloths;
- (g) Provide space for individual storage of toiletries; and
- (h) Establish policies governing the social, emotional, physical and intellectual development of each child.

3. Each licensee of an institution shall provide supervised work for each child which is appropriate to the age, health and abilities of the child. Work must be assigned for the purpose of training and contributing to the growth of the particular child. Work must not interfere with the child's time for school, his periods of study, play and sleep, his normal relations within the community ~~[ ]~~ or visits with his family.

4. A licensee of an institution shall ~~[differentiate between]~~ *establish a written policy which sets forth:*

(a) *Any* daily chores that ~~[children are generally]~~ *a child is* expected to perform ~~[to prepare them to become independent, specific assignments of work which are available to children as a means of earning money and jobs performed in or out of the institution to gain vocational training. If possible, a licensee of an institution shall, either by gift or for work done, provide every child of school age with an allowance which he is permitted to spend at his own discretion.] ; and~~

*(b) Any merit system that will be used by the institution to provide consequences to a child for his conduct.*

5. A licensee of an institution shall not use any child to solicit money for the institution in any way which would be harmful or cause embarrassment to the child or his family. The written consent of the parent or legal guardian must be obtained before an institution may use a child's picture or name in any written, visual or oral system of communication.

6. Each licensee of an institution shall have written policies on religious training. The consent of a child's parent must be obtained before a child may attend church or receive religious instruction.

7. Each licensee of an institution is responsible for providing academic or vocational training to each child. The licensee of an institution shall, by using resources in the community, provide specialized training for children who are unable to benefit from a regular school program because of their physical, mental or emotional disabilities.

8. Recreation and programs of activity must be planned as an integral part of the institution's total program.

9. Each licensee of an institution shall have a written, planned program to supervise the children's health and provide medical and dental care.

*10. Each licensee of an institution shall provide a statement outlining the policies and procedures concerning the use of isolation or restraints on the children in the institution. The members of the staff of the institution must be trained and certified through a nationally recognized organization concerning the use of restraints. If isolation or restraints are used, a committee established by the institution must evaluate and review the process concerning the use of isolation or restraints within 30 days after isolation or restraints are used to determine:*

- (a) Whether safety guidelines were followed by the institution;*
- (b) The effectiveness of the process concerning modifying the behavior of the child; and*
- (c) The institution's compliance with the written policies and procedures of the institution.*

**Sec. 58.** NAC 432A.460 is hereby amended to read as follows:

NAC 432A.460 1. Each licensee of an institution shall maintain an individual record for each child accepted for care. The record is confidential and must be protected from examination by unauthorized persons.

2. Every record must contain the following ~~[-]~~ *information, if available:*

- (a) The child's full name, birthplace and date of birth;
- (b) The religion of the child and his parents;
- (c) Both parents' full names;
- (d) If the child's parents are deceased, the date, place and cause of death;
- (e) If the child's parents are divorced or separated, the date and place of the divorce or separation;
- (f) The names, addresses and dates of birth of other children in the family;
- (g) The names and addresses of close relatives;
- (h) The name of a person to whom the child may be referred for care;
- (i) The date and reason for placement of the child;
- (j) The financial terms of the placement;
- (k) The report of the original study and investigation of the child, including:
  - (1) All information concerning the educational, economic and cultural background of the child's family; and
  - (2) All personal information about the child, including his:

- (I) History of development and health;
- (II) Personality;
- (III) Placement and adjustment in school;
- (IV) Previous placements in institutions; and
- (V) Relationships with his family;

(l) Any available documents pertaining to the current legal custody of the child;

(m) Every written contract between the licensee of an institution and the child's parents, except an authorization to provide medical care, which must be kept in the records of the health of the child;

(n) Reports and records of schools attended by the child, including his grades, progress and adjustment;

(o) Records or summarized reports of the child's progress and development while under care, the work done with the child's family, and plans for care and supervision of the child after discharge;

(p) If members of the staff of another agency or institution are also working with the child, the licensee of an institution mainly providing care to the child shall periodically provide the staff members of the other agency or institution with summary reports of the services it is providing and shall formulate plans for continuing the services, for maintaining an appropriate staff and for arranging conferences with other agencies and institutions who are also providing care for the child; and

(q) Reports of the staff of the institution concerning the child's adjustment to the institutional setting.

**Sec. 59.** NAC 432A.522 is hereby amended to read as follows:

432A.522 1. A licensee of a nursery for infants and toddlers shall have on duty at least the following number of ~~[caretakers:]~~ *caregivers*:

(a) If all children in the nursery are under 9 months old, one ~~[caretaker]~~ *caregiver* for every four children;

(b) If all children in the nursery are between 9 months and 18 months old, one ~~[caretaker]~~ *caregiver* for every six children; or

(c) If all children in the nursery are between 18 months and 3 years old, one ~~[caretaker]~~ *caregiver* for every eight children,

↳ except that if there are more than six children in the facility, there must be at least two ~~[caretakers]~~ *caregivers* on duty in the facility.

2. If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of ~~[caretakers]~~ *caregivers* to children.

**Sec. 59.5.** NAC 432A.524 is hereby amended to read as follows:

432A.524 Except as otherwise provided in NAC *432A.290 and 432A.532, and section 20 of this regulation*, a licensee of a child care center ~~[, child care institution, preschool]~~ or accommodation facility shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of ~~[caretakers:]~~ *caregivers*:

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

(a) For 1 to 6 children, inclusive, one ~~[caretaker;]~~ *caregiver*;

(b) For 7 to 20 children, inclusive, two ~~[caretakers;]~~ *caregivers*;

(c) For 21 to 35 children, inclusive, three ~~[caretakers;]~~ *caregivers*;

- (d) For 36 to 50 children, inclusive, four ~~{caretakers;}~~ *caregivers;*
- (e) For 51 to 65 children, inclusive, five ~~{caretakers;}~~ *caregivers;*
- (f) For 66 to 80 children, inclusive, six ~~{caretakers;}~~ *caregivers;*
- (g) For 81 to 93 children, inclusive, seven ~~{caretakers;}~~ *caregivers;* and
- (h) For every 13 children in excess of 93, one additional ~~{caretaker.}~~ *caregiver.*

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;}~~ *caregiver;*
- (b) For 11 to 20 children, inclusive, two ~~{caretakers;}~~ *caregivers;*
- (c) For 21 to 30 children, inclusive, three ~~{caretakers;}~~ *caregivers;* and
- (d) For every 1 to 10 children, inclusive, in excess of 30, one additional ~~{caretaker.}~~ *caregiver.*

**Sec. 60.** NAC 432A.526 is hereby amended to read as follows:

NEW FIRST  
PARALLEL  
SECTION

432A.526 1. Except as otherwise provided in NAC 432A.532, a licensee of a child care center, ~~{child care institution or}~~ accommodation facility *or facility for special events* which is operated between the hours of 9:00 p.m. and 6:30 a.m. shall have on duty the following number of ~~{caretakers;}~~ *caregivers:*

- (a) For 1 to 15 children, inclusive, one ~~{caretaker;}~~ *caregiver;*
- (b) For 16 to 31 children, inclusive, two ~~{caretakers;}~~ *caregivers;*
- (c) For 32 to 46 children, inclusive, three ~~{caretakers;}~~ *caregivers;*
- (d) For 47 to 61 children, inclusive, four ~~{caretakers;}~~ *caregivers;* and
- (e) For every 15 children in excess of 61, one additional ~~{caretaker.}~~ *caregiver.*

2. Every member of the staff of a child care center, ~~[child care institution or]~~ accommodation facility *or facility for special events* who is on duty at night shall remain awake during duty hours.

**Sec. 61.** NAC 432A.526 is hereby amended to read as follows:

432A.526 1. Except as otherwise provided in NAC 432A.532 ~~[ ]~~ *and section 20 of this regulation*, a licensee of a child care center, accommodation facility or facility for special events which is operated between the hours of 9:00 p.m. and 6:30 a.m. shall have on duty the following number of caregivers:

- (a) For 1 to 15 children, inclusive, one caregiver;
- (b) For 16 to 31 children, inclusive, two caregivers;
- (c) For 32 to 46 children, inclusive, three caregivers;
- (d) For 47 to 61 children, inclusive, four caregivers; and
- (e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff of a child care center, accommodation facility or facility for special events who is on duty at night shall remain awake during duty hours.

**Sec. 62.** NAC 432A.528 is hereby amended to read as follows:

432A.528 1. Whenever one or more infants or toddlers *who are under 2 years of age* are being cared for in a child care center, the licensee shall have at least one ~~[caretaker]~~ *caregiver* on duty who is designated to provide that care.

2. An additional ~~[caretaker]~~ *caregiver* must be on duty whenever more than six ~~[children]~~ *infants or toddlers who are under 30 months of age* are in a child care center ~~[during]~~ *between* the hours of 6:30 a.m. and 9:00 p.m.

**Sec. 63.** NAC 432A.530 is hereby amended to read as follows:

432A.530 1. A licensee of a child care center may, after obtaining the written permission of the Chief of the Bureau, provide care before and after normal school hours for up to three additional children or 10 percent more children than the number stated on the facility's license, whichever number is greater, if each of the additional children is ~~at least 6 years of age and~~ *attending first grade or a grade higher than first grade but is* less than 16 years of age.

2. A licensee of a child care center who accepts such additional children shall have one additional ~~caretaker~~ *caregiver* for up to 20 children so accepted and one additional ~~caretaker~~ *caregiver* for every 1 to 20 additional children thereafter.

3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

**Sec. 64.** NAC 432A.532 is hereby amended to read as follows:

NEW FIRST  
PARALLEL  
SECTION

432A.532 A licensee of a special needs facility in which care is provided to children who are 2 years of age ~~and~~ *or* older shall have on duty at all times at least the following number of ~~caretakers;~~ *caregivers:*

1. For 1 to 6 children, inclusive, one ~~caretaker;~~ *caregiver;*
2. For 7 to 20 children, inclusive, two ~~caretakers;~~ *caregivers;*
3. For 21 to 30 children, inclusive, three ~~caretakers;~~ *caregivers;*
4. For 31 to 40 children, inclusive, four ~~caretakers;~~ *caregivers;*
5. For 41 to 50 children, inclusive, five ~~caretakers;~~ *caregivers;*
6. For 51 to 60 children, inclusive, six ~~caretakers;~~ *caregivers;*
7. For 61 to 70 children, inclusive, seven ~~caretakers;~~ *caregivers;*
8. For 71 to 80 children, inclusive, eight ~~caretakers;~~ *caregivers;*
9. For 81 to 90 children, inclusive, nine ~~caretakers;~~ *caregivers;*



10. For 91 to 100 children, inclusive, 10 ~~{caretakers;}~~ *caregivers*; and
11. For every 6 children in excess of 100, one additional ~~{caretaker.}~~ *caregiver*.

**Sec. 65.** NAC 432A.532 is hereby amended to read as follows:

432A.532 ~~{A}~~ *Except as otherwise provided in section 20 of this regulation, a* licensee of a special needs facility in which care is provided to children who are 2 years of age or older shall have on duty at all times at least the following number of caregivers:

1. For 1 to 6 children, inclusive, one caregiver;
2. For 7 to 20 children, inclusive, two caregivers;
3. For 21 to 30 children, inclusive, three caregivers;
4. For 31 to 40 children, inclusive, four caregivers;
5. For 41 to 50 children, inclusive, five caregivers;
6. For 51 to 60 children, inclusive, six caregivers;
7. For 61 to 70 children, inclusive, seven caregivers;
8. For 71 to 80 children, inclusive, eight caregivers;
9. For 81 to 90 children, inclusive, nine caregivers;
10. For 91 to 100 children, inclusive, 10 caregivers; and
11. For every 6 children in excess of 100, one additional caregiver.

**Sec. 66.** NAC 432A.534 is hereby amended to read as follows:

432A.534 1. In a family home ~~{,not}~~ :

*(a) Not* more than four of the children may be less than 2 years of age, and not more than two of the children may be less than 1 year of age ~~{,}~~ ; *and*

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SECOND  
PARALLEL  
SECTION

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*(b) Any children of the person who is required to reside in the facility pursuant to subsection 3 who are less than 3 years of age will be counted for the purpose of the ratios set forth in this section.*

2. A licensee of a family home shall:

(a) Have one ~~[caretaker]~~ caregiver on duty at all times;

(b) Have a second ~~[caretaker]~~ caregiver on duty whenever four or more of the children in the facility are children with special needs; and

(c) Provide an alternate ~~[caretaker]~~ caregiver in case of an emergency.

3. If a licensee of a family home is:

(a) A natural person, the licensee shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

**Sec. 67.** NAC 432A.534 is hereby amended to read as follows:

432A.534 1. In a family home:

(a) Not more than four of the children may be less than 2 years of age, and not more than two of the children may be less than 1 year of age; and

(b) Any children of the person who is required to reside in the facility pursuant to subsection 3 who are less than 3 years of age will be counted for the purpose of the ratios set forth in this section.

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PARALLEL  
SECTION

2. ~~[A]~~ *Except as otherwise provided in section 20 of this regulation, a* licensee of a family home shall:

- (a) Have one caregiver on duty at all times;
- (b) Have a second caregiver on duty whenever four or more of the children in the facility are children with special needs; and
- (c) Provide an alternate caregiver in case of an emergency.

3. If a licensee of a family home is:

- (a) A natural person, the licensee shall:
  - (1) Reside in the facility; and
  - (2) Provide direct care to the children in the facility.
- (b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150

as a person authorized to operate the facility shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

**Sec. 68.** NAC 432A.536 is hereby amended to read as follows:

NEW FIRST  
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432A.536 1. In a group home, not more than eight of the children may be less than 3 years of age, and not more than four of the children may be less than 1 year of age.

2. A group home must have one ~~[caretaker]~~ *caregiver* on duty at all times. An additional ~~[caretaker]~~ *caregiver* must be on duty whenever one or more of the following conditions exist:

- (a) More than six children are in the facility;
- (b) More than four of the children are less than 2 years of age; or
- (c) More than two of the children are less than 1 year of age.

↪ Three ~~caretakers~~ *caregivers* must be on duty whenever eight or more of the children in the facility are children with special needs.

3. If a licensee of a group home is:

(a) A natural person, the licensee shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

**Sec. 69.** NAC 432A.536 is hereby amended to read as follows:

432A.536 1. In a group home, not more than eight of the children may be less than 3 years of age, and not more than four of the children may be less than 1 year of age.

2. ~~[A]~~ *Except as otherwise provided in section 20 of this regulation, a* group home must have one caregiver on duty at all times. An additional caregiver must be on duty whenever one or more of the following conditions exist:

- (a) More than six children are in the facility;
- (b) More than four of the children are less than 2 years of age; or
- (c) More than two of the children are less than 1 year of age.

↪ Three caregivers must be on duty whenever eight or more of the children in the facility are children with special needs.

3. If a licensee of a group home is:

(a) A natural person, the licensee shall:

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- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

**Sec. 70.** NAC 432A.538 is hereby amended to read as follows:

432A.538 1. A licensee of a family home or group home may, after obtaining the written permission of the Chief of the Bureau, provide care before and after normal school hours for as many as three children in addition to the number stated on the facility's license if each of the additional children is ~~fat~~:

- (a) *At* least 6 years of age *or is attending school for a full day*; and ~~less~~
- (b) *Less* than 16 years of age.

2. Children who live in such a home and are ~~10~~ *11* years of age or less must be included in counting the additional children.

3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

**Sec. 71.** NAC 432A.580 is hereby amended to read as follows:

432A.580 1. The licensee of a facility that provides care for ill children shall develop and carry into effect written standards for the operation of the facility.

2. The standards must include:
  - (a) An admission policy;
  - (b) Procedures for the control of infection;

- (c) Methods for the daily care of children;
- (d) Procedures for recording information about a child;
- (e) Plans for the training of staff;
- (f) Procedures for the care and referral of a child with worsening symptoms;
- (g) Procedures for communication by staff to parents and health care providers;
- (h) Procedures for feeding and bathing a child;
- (i) Procedures for a daily examination of each child in accordance with NAC 432A.595;
- (j) Procedures for providing emergency health care, including community resources and referrals;
- (k) Procedures for the use and administration of medication in accordance with NAC 432A.585;
- (l) Procedures for cleaning the facility;
- (m) Procedures for administering first aid; ~~and~~
- (n) Procedures for storage of sanitizing materials ~~and~~;
- (o) A requirement that each room in which an ill child resides must have a sink for washing hands that is equipped with soap and paper towels; and*
- (p) A requirement that separate areas must be provided for changing the diapers of children who are ill and children who are well.*

**Sec. 72.** NAC 432A.585 is hereby amended to read as follows:

432A.585 Procedures for the use and administration of medication in a facility that provides care for ill children must include the following provisions:

1. Except as otherwise provided in this subsection, only the director or a person designated by him may administer medication to a child or provide assistance to a child who administers medication to himself.

2. All prescription medications must be:

(a) Authorized by a physician;

(b) In the original container ~~;~~ *which must have a child-proof lid;*

(c) Labeled with the name of the child, the date and directions for administration; and

(d) Refrigerated, if required.

3. All nonprescription medications must be:

(a) Authorized by a physician, health care provider or emergency care provider;

(b) Labeled with the name of the child, the date and directions for administration; ~~and~~

(c) Refrigerated, if required ~~;~~ *and*

*(d) Kept in a container which has a child-proof lid.*

4. ~~The~~ *Except as otherwise provided in subsection 10, the* director may administer medication to a child after receiving an oral order from a physician if the director requests a written confirmation of the order from the physician.

5. Except as otherwise provided in subsection 6, all medications must be locked and inaccessible to children.

6. Medications that require refrigeration must be kept separate from food and inaccessible to children.

7. Unused medication must be returned to a parent and outdated medicine must be discarded.

8. The director shall post a chart in a conspicuous place that includes:

(a) Information on the health and medication of the children in the facility; and

(b) A record of the administration of medication of each child.

9. A member of the staff shall note in the record of a child and the director shall advise a parent of:

(a) All medication administered to a child; and

(b) The occurrence of any health problem, including diarrhea, vomiting, continuous hunger, refusal to eat, a nosebleed, a skin rash or high temperature.

*10. Only persons trained in the administration of medication by a health care professional or a parent of a child cared for in a facility and authorized pursuant to NRS 453.375 or 454.213 may administer medication to the child.*

**Sec. 73.** NAC 432A.685 is hereby amended to read as follows:

432A.685 1. The provider shall establish and maintain a personnel file for each employee.

Each individual file must include ~~[ ]~~, *without limitation:*

(a) *The information required by paragraph (c) of subsection 2 of NAC 432A.304.*

(b) The person's application for employment, including a record of his previous employment and related references.

~~[(b)]~~ (c) Evidence of his applicable credentials and certifications.

~~[(e)]~~ (d) An initial medical evaluation, including the results of a tuberculin test.

~~[(d)]~~ (e) A current record of all related training successfully completed and certification obtained by the employee, including training in such areas as the administration of first aid and the certification in the administration of cardiopulmonary resuscitation required pursuant to NAC 432A.322.

~~[(e)]~~ (f) A copy of each evaluation of his work performance.



~~[(f)]~~ (g) A copy of his registration as an alien, if applicable.

~~[(g) A copy of the results of the investigation of his background and personal history which is conducted pursuant to NRS 432A.170.]~~

(h) A copy of the rules of conduct for employees which has been signed by the employee indicating that he has received and understands the rules.

2. The field administrator shall allow each employee reasonable access to his respective personnel file and shall allow the employee to insert written statements in the file. The provider shall retain the personnel file of an employee for at least 1 year after the termination of his employment.

**Sec. 74.** Section 10 of this regulation is hereby amended to read as follows:

Sec. 10. 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 ~~[(c)]~~ *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. 75.** Section 16 of this regulation is hereby amended to read as follows:

NEW  
SECOND  
PARALLEL  
SECTION

Sec. 16. ~~[A]~~ *Except as otherwise provided in section 20 of this regulation, a* licensee of a child care institution shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caregivers if the children are 2 years of age or older:

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. If the number of children is greater than 93:
  - (a) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;
  - (b) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and
  - (c) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.

**Sec. 76.** Section 75 of this regulation is hereby amended to read as follows:

Sec. 75. Section 16 of this regulation is hereby amended to read as follows:

Sec. 16. Except as otherwise provided in section 20 of this regulation, a licensee of a child care institution shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caregivers ~~[if]~~ :

1. *If the children are 2 years of age or older:*

~~{1.}~~ (a) For 1 to 6 children, inclusive, one caregiver;

~~{2.}~~ (b) For 7 to 20 children, inclusive, two caregivers;

~~{3.}~~ (c) For 21 to 35 children, inclusive, three caregivers;

~~{4.}~~ (d) For 36 to 50 children, inclusive, four caregivers;

~~{5.}~~ (e) For 51 to 65 children, inclusive, five caregivers;

~~{6.}~~ (f) For 66 to 80 children, inclusive, six caregivers;

~~{7.}~~ (g) For 81 to 93 children, inclusive, seven caregivers; and

~~{8.}~~ (h) If the number of children is greater than 93:

~~{(a)}~~ (1) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;

~~{(b)}~~ (2) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and

~~{(c)}~~ (3) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.

2. *If the children are less than 2 years of age, the ratio of caregivers to children and the maximum group size set forth in the table provided in subsection 1 of NAC 432A.524 apply.*

**Sec. 77.** Section 17 of this regulation is hereby amended to read as follows:

Sec. 17. 1. ~~{A}~~ *Except as otherwise provided in section 20 of this regulation, a licensee of a shelter child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:*

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SECTION

- (a) For 1 to 15 children, inclusive, one caregiver;
- (b) For 16 to 31 children, inclusive, two caregivers;
- (c) For 32 to 46 children, inclusive, three caregivers;
- (d) For 47 to 61 children, inclusive, four caregivers; and
- (e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

**Sec. 78.** Section 18 of this regulation is hereby amended to read as follows:

NEW  
SECOND  
PARALLEL  
SECTION

Sec. 18. 1. ~~[A]~~ *Except as otherwise provided in section 20 of this regulation, a* licensee of an educational child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:

- (a) For 1 to 25 children, inclusive, one caregiver; and
- (b) For every 25 children in excess of 25, one additional caregiver plus an additional on-call or back-up person on-site.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

**Sec. 79.** Section 19 of this regulation is hereby amended to read as follows:

NEW  
SECOND  
PARALLEL  
SECTION

Sec. 19. 1. ~~[A]~~ *Except as otherwise provided in section 20 of this regulation, a* licensee of a residential child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:

- (a) For 1 to 15 children, inclusive, one caregiver;

- (b) For 16 to 31 children, inclusive, two caregivers;
- (c) For 32 to 46 children, inclusive, three caregivers;
- (d) For 47 to 61 children, inclusive, four caregivers; and
- (e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

**Sec. 80.** NAC 432A.030, 432A.146 and 432A.160 are hereby repealed.

**Sec. 81.** NAC 432A.522 is hereby repealed.

**Sec. 82.** 1. Except as otherwise provided in subsection 2, each caregiver who, on the effective date of this section, is a caregiver employed in a child care facility other than a caregiver who is employed in an accommodation facility, a facility that provides care for ill children or a child care institution shall, on or before December 31, 2012, apply with The Nevada Registry or its successor organization.

2. Each caregiver who, on the effective date of this section, is a caregiver employed in a family home or in a group home shall, on or before December 31, 2011, apply with The Nevada Registry or its successor organization.

3. As used in this section:

(a) “Accommodation facility” has the meaning ascribed to it in NAC 432A.012, as amended by section 22 of this regulation.

(b) “Caregiver” has the meaning ascribed to it in NAC 432A.020, as amended by section 23 of this regulation.

(c) “Child care center” has the meaning ascribed to it in NAC 432A.050, as amended by section 24 of this regulation.

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

(e) “Child care institution” has the meaning ascribed to it in NAC 432A.070, as amended by section 25 of this regulation.

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

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

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

(i) “The Nevada Registry” has the meaning ascribed to it in section 7 of this regulation.

**Sec. 83.** 1. Each person who, on the effective date of this section, is required to reside in a family home pursuant to subsection 3 of NAC 432A.534, as amended by sections 66 and 67 of this regulation, or is required to reside in a group home pursuant to subsection 3 of NAC 432A.536, as amended by sections 68 and 69 of this regulation, shall, on or before December 31, 2011, apply with The Nevada Registry or its successor organization.

2. As used in this section:

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

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

(c) “The Nevada Registry” has the meaning ascribed to it in section 7 of this regulation.

**Sec. 84.** 1. Notwithstanding the provisions of NAC 432A.534, as amended by section 66 of this regulation, a person who, on the effective date of this section, is a licensee of a family home is not required to satisfy the amendatory requirements of paragraph (b) of subsection 1 of NAC 432A.534, as amended by section 66 of this regulation, until January 1, 2012.

2. As used in this section, “family home” has the meaning ascribed to it in NAC 432A.100.

**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 59.5, 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 of 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 of 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 date on which LCB File No. R001-09 is filed by the Legislative Counsel with the Secretary of State,

↳ whichever occurs later.

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### TEXT OF REPEALED SECTIONS

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**432A.030 “Central operator” defined. (NRS 432A.077)** “Central operator” means the person who or public organization which operates a child care system, provides central administrative services for individual facilities and is charged with enforcing standards of maintenance and operation of the facilities.



**432A.146 “On-site child care facility” defined. (NRS 432A.077)** “On-site child care facility” has the meaning ascribed to it in NRS 432A.0275.

**432A.160 “Preschool” defined. (NRS 432A.077)** “Preschool” means a facility in which the licensee has established specific goals to enhance each child’s cognitive, social, emotional, physical and creative development.

**432A.522 Nurseries for infants and toddlers. (NRS 432A.077)**

1. A licensee of a nursery for infants and toddlers shall have on duty at least the following number of caretakers:

(a) If all children in the nursery are under 9 months old, one caretaker for every four children;

(b) If all children in the nursery are between 9 months and 18 months old, one caretaker for every six children; or

(c) If all children in the nursery are between 18 months and 3 years old, one caretaker for every eight children,

↪ except that if there are more than six children in the facility, there must be at least two caretakers on duty in the facility.

2. If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of caretakers to children.

**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](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 6<sup>th</sup> grade teacher, to make a lesson plan for 6<sup>th</sup> 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 hear .....focused 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 25<sup>th</sup>, 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 take .....unable 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 of .....Unable 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 7<sup>th</sup>. 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 their 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 their 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 their children at centers across the state. This proposed change is just the beginning that is long overdue, 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 their 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 17<sup>th</sup> 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 on to Cheryl's comments about formal education and the availability of classes. TMCC has their 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 their 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.