

LCB File No. R001-09

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

§§1, 2, 4 and 8-10 become effective when this regulation is filed with the Secretary of State;
§5 becomes effective 2 years after this regulation is filed with the Secretary of State;
§3 becomes effective only if LCB File No. R032-07 becomes effective,
in which case §3 becomes effective when this regulation or
R032-07 is filed with the Secretary of State, whichever is later;
§6 becomes effective only if §7 does not become effective, in which case
§6 becomes effective 2 years after this regulation is filed with the Secretary of State;
§7 becomes effective only if LCB File No. R112-06 becomes effective, in which case
§7 becomes effective when LCB File No. R112-06 is filed with the Secretary of State or 2 years
after this regulation is filed with the Secretary of State, whichever is later

(This regulation was split out from LCB File No. R032-07A; §§10, 11, 21, 22, 25 and 26 have
been removed from that regulation for separate consideration)

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

AUTHORITY: §§ 1-4, 6-10, NRS 432A.177; §5, NRS 432A.077 and 432A.177.

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

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set
forth as sections 2 and 3 of this regulation.

Sec. 2. *“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. 3. 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. 4. 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 section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 432A.300 is hereby amended to read as follows:

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

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

or

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

2. ~~[The]~~ *Except as otherwise provided in subsection 6, the* director of such a facility must be at least 21 years of age *, must have at least 1,000 verifiable hours in an administrative position or have completed a course or another type of training in business administration, must have applied with The Nevada Registry or its successor organization* and, except as otherwise provided in NAC 432A.485 ~~[-~~

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

~~(a) Hold an~~ associate's degree ~~[and have completed at least 12 semester hours of education, of which:~~

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

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

~~↪ and have at least 6 months of verifiable experience which is satisfactory to the Bureau in a program related to child education, early childhood development or child care;~~

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

- ~~—(1) At least 6 semester hours are in child development; and~~
- ~~—(2) At least 6 semester hours are in child development, child psychology, education related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care;~~
- ~~→ and have at least 2 years of verifiable, satisfactory experience in a program related to child education, early childhood development or child care;~~
- ~~—(c) Have a] or higher from an accredited college or university in early childhood education or hold a certificate with a level 4.1 or higher on the Nevada Early Care and Education Professional Career Ladder administered by The Nevada Registry, and have at least 1,000 hours of verifiable experience working directly with children;~~
- (b) Hold an associate’s degree or higher from an accredited college or university in any field other than early childhood education and have:*
- (1) Completed at least 12 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility; and*
- (2) At least 2,000 hours of verifiable experience working directly with children;*
- (c) Hold a certificate as a child care development specialist issued by the United States Department of Labor;*
- (d) Hold a current credential as a “Child Development Associate [E]” with an endorsement to work with preschool age children which has been issued by the Council for [Early Childhood] Professional Recognition [Washington, DC 20005]; or*
- ~~—(d)] and:~~

(1) Have completed at least 9 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility;

(2) Have completed or be scheduled to complete before the renewal of the credential as a “Child Development Associate” at least 3 credits from an accredited college or university in early childhood education, child development or courses in a related field that are specific to the development of children who are the ages of the children served at the facility; and

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

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

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

(2) At least 6,000 hours of verifiable experience working directly with children; or

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

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

(a) If the director is qualifying pursuant to paragraph (d) of subsection 2, in lieu of holding a current credential as a “Child Development Associate” with an endorsement to work with preschool age children:

(1) Hold a current credential as a “Child Development Associate” with an endorsement to work with infants and toddlers which has been issued by the Council for Professional Recognition; or

(2) Have completed at least 6 credits from an accredited college or university in courses relating to the development of infants and toddlers that are specific to the development of and programs for the care of children under 24 months of age. The credits from an accredited college or university may also be used to satisfy the requirements of subsection 2.

(b) Have at least 2,000 hours of verifiable experience working directly with children under 24 months of age. Such hours may also be used to satisfy the requirements of subsection 2.

4. *Except as otherwise provided in subsection 6, each director of a facility described in subsection 1 must annually renew his registration with The Nevada Registry or its successor organization before the date on which it expires.*

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

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

Sec. 6. NAC 432A.524 is hereby amended to read as follows:

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

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

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

NEW
SECOND
PARALLEL
SECTION

- ~~—(b) For 7 to 20 children, inclusive, two caretakers;~~
 - ~~—(c) For 21 to 35 children, inclusive, three caretakers;~~
 - ~~—(d) For 36 to 50 children, inclusive, four caretakers;~~
 - ~~—(e) For 51 to 65 children, inclusive, five caretakers;~~
 - ~~—(f) For 66 to 80 children, inclusive, six caretakers;~~
 - ~~—(g) For 81 to 93 children, inclusive, seven caretakers; and~~
 - ~~—(h) For every 13 children in excess of 93, one additional caretaker.~~
- ~~—2. In a classroom which contains children who are 2 or more years of age but less than 3 years of age:~~
- ~~—(a) For 1 to 10 children, inclusive, one caretaker;~~
 - ~~—(b) For 11 to 20 children, inclusive, two caretakers;~~
 - ~~—(c) For 21 to 30 children, inclusive, three caretakers; and~~
 - ~~—(d) For every 1 to 10 children, inclusive, in excess of 30, one additional caretaker.]~~

caregivers required pursuant to the following table:

<i>AGE OF THE CHILDREN</i>	<i>RATIO OF CAREGIVERS TO CHILDREN</i>	<i>MAXIMUM GROUP SIZE</i>
<i>Birth to less than 1 year of age</i>	<i>1:4</i>	<i>8</i>
<i>1 year of age to less than 2 years of age</i>	<i>1:6</i>	<i>12</i>
<i>2 years of age to less than 3 years of age</i>	<i>1:8</i>	<i>16</i>

<i>3 years of age to less than 4 years of age</i>	<i>1:12</i>	<i>24</i>
<i>4 years of age or older but not old enough to attend kindergarten</i>	<i>1:13</i>	<i>26</i>
<i>Old enough to attend kindergarten or older but less than 18 years of age</i>	<i>1:15</i>	<i>30</i>

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

3. During the regular hours of operation of a child care center, accommodation facility or facility for special events, the child care center, accommodation facility or facility for special events may mix children of different age categories in a group if:

(a) Except as otherwise provided in subsection 4, there is not more than a 48-month range in age among the children in the group;

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

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

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

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

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

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

(b) *A period provided for a nap; or*

(c) *Lunch if the period for lunch does not exceed 30 minutes in duration.*

7. *As used in this section, “group size” means the specific number of children, distinct from a larger population of children cared for in a child care center, accommodation facility or facility for special events, who interact with each other and with one or more caregivers of a child care center, accommodation facility or facility for special events in a well-defined space. As used in this subsection, “well-defined space” means a configuration of space that is defined by a physical structure or organizational arrangement that is appropriate for use in separating an area into more than one distinct space and for reducing distractions for the children in that space.*

Sec. 7. NAC 432A.524 is hereby amended to read as follows:

NEW THIRD
PARALLEL
SECTION

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

AGE OF THE CHILDREN	RATIO OF CAREGIVERS TO CHILDREN	MAXIMUM GROUP SIZE
Birth to less than 1 year of age	1:4	8
1 year of age to less than 2 years of age	1:6	12
2 years of age to less than 3 years of age	1:8	16
3 years of age to less than 4 years of age	1:12	24
4 years of age but not old enough to attend kindergarten	1:13	26
Old enough to attend kindergarten or older but less than 18 years of age	1:15	30

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

3. During the regular hours of operation of a child care center, accommodation facility or facility for special events, the child care center, accommodation facility or facility for special events may mix children of different age categories in a group if:

(a) Except as otherwise provided in subsection 4, there is not more than a 48-month range in age among the children in the group;

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

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

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

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

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

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

(b) A period provided for a nap; or

(c) Lunch if the period for lunch does not exceed 30 minutes in duration.

7. As used in this section, “group size” means the specific number of children, distinct from a larger population of children cared for in a child care center, accommodation facility or facility for special events, who interact with each other and with one or more caregivers of a child care center, accommodation facility or facility for special events in a well-defined space. As used in this subsection, “well-defined space” means a configuration of space that is defined by a physical structure or organizational arrangement that is appropriate for use in separating an area into more than one distinct space and for reducing distractions for the children in that space.

Sec. 8. 1. Except as otherwise provided in section 9 of this regulation, a person who, on the effective date of this section, serves as a director of a child care facility other than a child care facility that provides care for ill children, a special needs facility or a family home or group home is not required to satisfy the provisions of NAC 432A.300, as amended by section 5 of this regulation, unless, within 2 years after the effective date of this section, he applies for a position as a director of a child care facility other than the child care facility for which he served as the director on the effective date of this section.

2. As used in this section:

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

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

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

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

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

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

Sec. 9. 1. Each person who, on the effective date of this section, is a director of a child care facility other than a facility that provides care for ill children, a special needs facility, a child care institution or a family home or group home shall, on or before 2 years after the effective date of this section, apply with The Nevada Registry or its successor organization.

2. As used in this section:

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

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

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

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

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

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

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

(h) “The Nevada Registry” has the meaning ascribed to it in section 2 of this regulation.

Sec. 10. 1. This section and sections 1, 2, 4, 8 and 9 of this regulation become effective on the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

2. Section 3 of this regulation becomes 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.

Section 3 of this regulation becomes 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.

3. Section 5 of this regulation becomes effective 2 years after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

4. Section 6 of this regulation becomes effective only if section 7 of this regulation does not become effective. Section 6 of this regulation becomes effective 2 years after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State.

5. Section 7 of this regulation becomes effective only if LCB File No. R112-06 is adopted by the Board for Child Care and filed by the Legislative Counsel with the Secretary of State.

Section 7 of this regulation becomes effective:

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

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

↳ whichever occurs later.