

## **NOTICE OF PUBLIC HEARING**

### ***Intent to Adopt Regulations***

**Notice Is Hereby Given** that the Bureau of Services for Child Care will hold a public hearing and act on amendments to Nevada Administrative Code (NAC) 432A, Services and Facilities for care of children. The hearing is scheduled to begin at 10:00 a.m. November 7, 2008 at the State Health Department, 4150 Technology Way, 3<sup>rd</sup> floor, Carson City, NV 89706. Videoconferencing sites are at the Department of Employment Training and Rehabilitation (DETR), 2800 E. St. Louis Ave. Las Vegas, NV. 89104, Greenhaw Technical Art (GTA), 1500 College Parkway, Rm 124, Elko, NV. 89801.

**A. The need for and the purpose of the proposed regulation or amendments:** To raise the standards of child care by revising current regulations on the following focus areas:

1. Safety Issues – Sudden Infant Death Syndrome; Control of firearms, Dangerous objects; Bodies of water; Toxic substances; Emergency supplies; Pet shots; Climbing prohibition; Cleaning and sanitation concerns.
2. Child/Staff Ratios – Group ratios; Supervision methods; Dismissal of children.
3. Training Requirements – Alternate/part-time caretaker requirements; Pro-rating training requirements; Director Requirements; CPR trainer qualifications.

**B. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:** This regulation a) includes new provisions regarding the care and immunization of pets in child care facilities; b) includes new provisions prohibiting wading pools and sets forth ratios for swimming activities; c) clarifies programs that are not licensed; d) new provision imposing a late fee for late renewal applications e) clarifies that resilient surface must extend 6 feet beyond the perimeter of the equipment; f) new provision requiring a transportation log and specific ratios for field trips; g) requires directors and caregivers apply with the Nevada Registry; h) adding to initial training to include 3 hours of training in child development or guidance and discipline and 2 hours of training in sudden infant death for caregivers of infants; i) sets forth new ratio and group size requirements; j) requires children of family and group home providers be counted in the ratios if they are under age 6.

**C. The estimated economic effect of the regulation on the business which it is to regulate:**

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.

**D. 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.

**E. The estimated cost to the agency for enforcement of the proposed regulation:** None known. Licensing agencies will continue to spend time inspecting facilities for compliance.

**F. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of 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. There are no federal child care regulations.

**G. If the regulation is required pursuant to federal law, a citation and description of the federal law:** There is no regulation requirement pursuant to federal law.

**H. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:** There are no federal child care regulations.

**I. If the proposed 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 total annual amount of late fees the agency expect to collect is unknown. The purpose of the late fee is to encourage the applicants to submit their reapplications on time.

Persons wishing to comment upon the proposed action of the Bureau of Services for Child Care may appear at the scheduled public hearing or may address their comments, data, views and arguments, in written form, to Division of Child and Family Services Bureau of Services for Child Care 4126 Technology Way, Carson City, NV. 89706. Written submissions must be received by the Bureau of Services for Child Care on or before December 20th, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Bureau of Services for Child Care may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted, Amended or Repealed will be on file at the State Library, 1677 Old Hot Springs Road, Suite B., Carson City NV 89706, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted, Amended or Repealed will be available at Bureau of Services at 4126 Technology way, Carson City, NV. 89706; 4220 South Maryland Pky., Las Vegas, NV. 89119; 1010 Ruby Vista, Suite 101, Elko NV. 89801 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at [www.dfs.state.nv.us](http://www.dfs.state.nv.us) <<http://www.dfs.state.nv.us>>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

#### POSTING LOCATIONS

Division of Child and Family Services: 4126 Technology Way, Carson City, NV. 89706; 1677 Old Hot Springs Road, Suite B., Carson City NV 89706; 4220 S. Maryland Pkwy., Bldg. B, Suite 300, Las Vegas NV 89119; 1010 Ruby Vista Ste 101., Elko NV 89801; 560 Mill St. #250, Reno NV 89502; 740 Park Ave., Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 500 Frankee St., Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89445; 215 W. Bridge St. Suite #4, Yerington NV 89447.

Nevada State Library:

100 Stewart St., Carson City NV 89701

Washoe County Social Services:

350 South Center St., Suite 200, Reno NV 89520

Clark County Social Services:

500 S. Grand Central Pkwy, 3<sup>rd</sup> Floor, Las Vegas

NV 89155

City of Las Vegas, Dept. of Finance & Business Activity:

400 East Stewart Avenue 3<sup>rd</sup> Floor, Las Vegas

NV 89101

Carson City Health Dept., Environmental Health Services:

900 East Long Street, Carson City NV 89706

Note: The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Bureau, in writing, at 4126 Technology Way., Carson City, NV 89706 or by calling 775-684-4439 or 4463.