

ASSEMBLY BILL NO. 302—ASSEMBLYMEN FREEMAN, WILLIAMS, ARBERRY, MCCLAIN, LESLIE, EVANS, GIBBONS, VON TOBEL, TIFFANY, PARNELL, BACHE, ANDERSON, GIUNCHIGLIANI, PARKS, COLLINS, MANENDO, OHRENSCHALL, PRICE, KOIVISTO, ANGLE, CHOWNING, MORTENSON, NEIGHBORS, BERMAN, PERKINS, DE BRAGA, THOMAS, CLABORN, GOLDWATER, SEGERBLOM AND LEE

FEBRUARY 22, 1999

JOINT SPONSORS: SENATORS TOWNSEND, WIENER, PORTER, AMODEI, JAMES, SCHNEIDER AND TITUS

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes regarding services and facilities for care of children.
(BDR 38-1358)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the care of children; providing for the establishment of a toll-free telephone service for inquiries and complaints relating to child care facilities; requiring annual reports on the quality of child care in this state; making various changes regarding the provision of child care and the licensing and inspection of child care facilities; expanding the class of child care facilities subject to state regulation; establishing and assigning duties to a temporary advisory council to improve the quality of child care in this state; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 432A of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.
- 3 **Sec. 2. 1. *The bureau shall, within the limits of available money,***
- 4 ***establish and maintain a toll-free telephone service to:***

1 (a) Respond to inquiries from the general public relating to child care
2 facilities, including, without limitation, inquiries regarding:

3 (1) The availability of services for child care; and

4 (2) The statutes and regulations of this state relating to child care
5 facilities; and

6 (b) Receive reports from the general public regarding the violation of
7 any statute or regulation of this state relating to child care facilities.

8 2. The toll-free telephone service must have available, without
9 limitation, information regarding:

10 (a) All child care facilities that are currently licensed pursuant to NRS
11 432A.131 to 432A.220, inclusive, and sections 8, 9 and 10 of this act;

12 (b) All referral services for child care in this state;

13 (c) All child care facilities in this state that have been denied a license
14 or have had their licenses suspended, revoked or otherwise terminated;

15 (d) The results of inspections conducted pursuant to NRS 432A.180;
16 and

17 (e) Complaints regarding child care facilities in this state, including
18 the nature of the complaints, the status or outcome of the complaints and
19 any penalties imposed.

20 **Sec. 3. 1. The chief shall prepare an annual report regarding the**
21 **quality of child care provided in this state. The report must include:**

22 (a) An evaluation of the progress of this state in achieving any goals
23 for the improvement of child care specified by the board;

24 (b) A statement of the expenditures of this state made during the
25 previous year to carry out the provisions of this chapter;

26 (c) An evaluation of the relationship between the expenditures of this
27 state and the progress of this state in achieving any goals for the
28 improvement of child care specified by the board; and

29 (d) Any relevant comments from operators of child care facilities and
30 public agencies involved in the inspection or licensing of child care
31 facilities.

32 2. The chief shall submit the report to:

33 (a) The board; and

34 (b) The legislative commission or, if the legislature is in general
35 session, the senate standing committee on human resources and facilities
36 and the assembly standing committee on health and human services.

37 **Sec. 4. The department shall adopt a payment schedule, applicable**
38 **to all programs pursuant to which the department reimburses a child**
39 **care facility for the provision of child care, which provides for the**
40 **payment of a child care facility that is accredited by the National**
41 **Association for the Education of Young Children at a rate that is 10**
42 **percent greater than the usual and customary rate of payment.**

43 **Sec. 5. The staff of a child care facility shall:**

1 1. At all times supervise and maintain visual contact with the
2 children receiving care;

3 2. Maintain frequent interactions with the children receiving care,
4 which are appropriate to the age of the children;

5 3. Maintain a safe and healthy environment for the children
6 receiving care; and

7 4. At all times protect the children receiving care from any physical
8 or emotional harm.

9 **Sec. 6. 1.** The board shall adopt regulations requiring the staff of a
10 child care facility to obtain appropriate training and continuing
11 education in child care and the operation of a child care facility,
12 including, without limitation, instruction regarding:

13 (a) The standards adopted pursuant to NRS 432A.077 to ensure the
14 quality of care provided by a child care facility;

15 (b) First aid and cardiopulmonary resuscitation;

16 (c) Measures to ensure a safe and healthy environment at a child care
17 facility; and

18 (d) Methods for limiting any exposure to a toxic substance in a child
19 care facility.

20 2. The instruction required pursuant to this section must be obtained
21 in courses approved for the award of academic credit by a university or
22 community college within the University and Community College System
23 of Nevada.

24 **Sec. 7. 1.** The board shall adopt regulations requiring, as a
25 condition to the receipt of any reimbursement from public funding, the
26 licensing of a person who provides child care for one, two or three
27 children in a residence other than the home of those children.

28 2. If a child receives care from a parent, guardian or relative within
29 the third degree of consanguinity of the parent of the child, and that
30 person simultaneously provides care for other children, only the other
31 children may be considered in determining whether the person is subject
32 to the regulations adopted pursuant to this section.

33 3. The regulations adopted pursuant to this section must include
34 standards to ensure the quality of care provided by the person that are
35 substantially equivalent to the standards established pursuant to
36 paragraph (b) of subsection 1 of NRS 432A.077.

37 **Sec. 8.** The operator of a child care facility shall display, in a
38 conspicuous place in the facility that is clearly visible to the general
39 public:

40 1. His license to operate the child care facility; and

41 2. The most recent reports he has received regarding the results of
42 inspections of the facility conducted pursuant to NRS 432A.180.

1 **Sec. 9. 1. The bureau shall not renew the license of a child care**
2 **facility unless the bureau has:**

3 **(a) Inspected the facility pursuant to subsection 1 of NRS 432A.180**
4 **within the immediately preceding year and determined that the facility is**
5 **operating in a satisfactory manner;**

6 **(b) Resolved to its satisfaction any reports it has received regarding**
7 **the alleged violation by the facility of a statute or regulation of this state**
8 **relating to child care facilities; and**

9 **(c) Determined that all the staff of the facility have obtained the**
10 **instruction required pursuant to section 6 of this act.**

11 **2. An application submitted to the bureau for the renewal of a**
12 **license issued pursuant to this chapter must be accompanied by such**
13 **documentation as the bureau deems necessary to carry out this section.**

14 **Sec. 10. The bureau shall ensure that an employee or other member**
15 **of the bureau who conducts inspections pursuant to NRS 432A.180 has**
16 **received training in:**

17 **1. The principles of child development in early childhood;**

18 **2. Procedures to ensure the safety and security of children in child**
19 **care facilities;**

20 **3. The recognition of and strategies for the prevention of child**
21 **abuse;**

22 **4. The statutes and regulations of this state regarding the abuse and**
23 **neglect of children; and**

24 **5. The standards adopted pursuant to NRS 432A.077 to ensure the**
25 **quality of care provided by child care facilities.**

26 **Sec. 11. NRS 432A.024 is hereby amended to read as follows:**

27 432A.024 1. "Child care facility" means:

28 (a) An establishment operated and maintained ~~for the purpose of~~
29 ~~furnishing~~ **to furnish** care on a temporary or permanent basis, during the
30 day or overnight, to ~~five~~ **four** or more children under 18 years of age, if
31 compensation is received for the care of any of those children;

32 (b) An on-site child care facility; or

33 (c) An outdoor youth program.

34 2. "Child care facility" does not include:

35 (a) The home of a natural parent or guardian, foster home as defined in
36 chapter 424 of NRS or maternity home;

37 (b) A home in which the only children received, cared for and
38 maintained are related within the third degree of consanguinity or affinity
39 by blood, adoption or marriage to the person operating the facility; or

40 (c) A home in which a person provides care for the children of a friend
41 or neighbor for not more than 4 weeks if the person who provides the care
42 does not regularly engage in that activity.

43 **Sec. 12. NRS 432A.0275 is hereby amended to read as follows:**

1 432A.0275 "On-site child care facility" means an establishment that:
2 1. Is licensed pursuant to this chapter;
3 2. Provides care to the children of employees of a business at the place
4 of employment;
5 3. Provides care on a temporary or permanent basis, during the day or
6 overnight, to ~~five~~ *four* or more children who are under the age of 18
7 years and who are not related within the third degree of consanguinity or
8 affinity to an owner or manager of the business; and
9 4. Is owned, operated, subsidized, managed, contracted for or staffed
10 by the business.

11 **Sec. 13.** NRS 432A.035 is hereby amended to read as follows:

12 432A.035 ~~The~~ *Except as otherwise provided in section 4 of this act,*
13 *the* provisions of this chapter do not apply to the program for child care
14 and development administered by the welfare division of the department of
15 human resources pursuant to chapter 422 of NRS.

16 **Sec. 14.** NRS 432A.077 is hereby amended to read as follows:

17 432A.077 1. The board shall adopt:

18 (a) Licensing standards for child care facilities.

19 (b) *Standards to ensure the quality of care provided by child care*
20 *facilities, including, without limitation:*

21 *(1) Standards for the accreditation of programs of child care that*
22 *are based upon the standards adopted by the National Association for the*
23 *Education of Young Children and similar organizations; and*

24 *(2) Standards for activities that:*

25 *(I) Are appropriate for the age of the children receiving care;*
26 *and*

27 *(II) Promote the cognitive, cultural, educational, emotional,*
28 *linguistic, physical, recreational and social development of the children*
29 *receiving care.*

30 (c) In consultation with the state fire marshal, plans and requirements to
31 ensure that each child care facility and its staff is prepared to respond to
32 emergencies, including, without limitation:

33 (1) The conducting of fire drills on a monthly basis;

34 (2) The adoption of plans to respond to natural disasters and
35 emergencies other than those involving fire; and

36 (3) The adoption of plans to provide for *the* evacuation of child care
37 facilities in an emergency.

38 ~~(e)~~ *(d) Requirements for child care facilities to maintain such*
39 *documentation as the board determines to be necessary to carry out the*
40 *inspections required by NRS 432A.180.*

41 (e) Such other regulations as it deems necessary or convenient to carry
42 out the provisions of this chapter.

2. The board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the board finds that the practices and policies of a child care facility are substantially equivalent to those required by the board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 15. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the bureau. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than ~~those~~ *the requirements of this chapter and the standards and other regulations* adopted by the board; and

(b) Take effect only upon their approval by the bureau.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a *provision of this chapter or a* regulation adopted by the board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than ~~five~~ *four* children. If the standards so adopted are less restrictive than the *provisions of this chapter and the* standards ~~for the licensure of child care facilities which have been~~ *and other regulations* adopted by the board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the ~~standards~~ *provisions* which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the bureau of its intention to do so at least 12 months before the amendment or repeal becomes effective.

1 **Sec. 16.** NRS 432A.180 is hereby amended to read as follows:

2 432A.180 1. Any authorized member or employee of the bureau
3 may enter and inspect any building or premises of a child care facility or
4 the area of operation of an outdoor youth program at any time to secure
5 compliance with or prevent a violation of any provision of this chapter ~~or~~
6 *or a standard or other regulation adopted by the board. The bureau shall*
7 *ensure that an inspection is conducted pursuant to this subsection at least*
8 *annually and as soon as is practicable after the bureau receives a report*
9 *that a child care facility has committed or is committing a violation of a*
10 *provision of this chapter or a standard or other regulation adopted by the*
11 *board that may be detrimental to the health or safety of a child receiving*
12 *care.*

13 2. The state fire marshal or his designate shall, at least annually:

14 (a) Enter and inspect every building or premises of a child care facility,
15 on behalf of the bureau; and

16 (b) Observe and make recommendations regarding the drills conducted
17 pursuant to NRS 432A.077,
18 to secure compliance with standards for safety from fire and other
19 emergencies.

20 3. The state health officer or his designate shall enter and inspect at
21 least annually, every building or premises of a child care facility and area
22 of operation of an outdoor youth program, on behalf of the bureau, to
23 secure compliance with standards for health and sanitation.

24 **4. A child care facility may be inspected pursuant to this section**
25 **without prior notice.**

26 **Sec. 17.** 1. The advisory council to improve the quality of child care
27 is hereby created. The advisory council consists of the chief of the bureau
28 of services for child care of the division of child and family services of the
29 department of human resources and nine other members to be appointed as
30 follows:

31 (a) The governor shall appoint to the advisory council one member who
32 has the qualifications of any member appointed pursuant to paragraph (b).

33 (b) The speaker of the assembly and the majority leader of the senate
34 shall each appoint to the advisory council:

35 (1) One member who has expert knowledge of child development in
36 early childhood and the education of children, and who is representative of
37 nonprofit organizations that serve children and families;

38 (2) One member who operates a child care facility or after-school
39 program for children, and who has expert knowledge of the operation of
40 such a facility or program;

41 (3) One member who is representative of organizations that promote
42 professional development in the workforce relating to child care; and

1 (4) One member who is a parent of a child who receives services for
2 child care.

3 Any member who is appointed to fill a vacancy must be appointed in the
4 same manner and possess the same general qualifications as his
5 predecessor in office.

6 2. The members of the advisory council serve without any additional
7 compensation, except that, while engaged in the business of the advisory
8 council, each member is entitled to receive the per diem allowance and
9 travel expenses provided for state officers and employees generally.

10 3. The bureau of services for child care of the division of child and
11 family services of the department of human resources shall provide the
12 advisory council with administrative support.

13 4. The advisory council shall:

14 (a) At its first meeting, elect a chairman from among its members.

15 (b) Meet at least four times annually and may meet at other times upon
16 the call of the chairman.

17 **Sec. 18.** The advisory council to improve the quality of child care
18 created pursuant to section 17 of this act shall:

19 1. Review the regulations of the board for child care and model
20 programs for the provision of child care in other states.

21 2. Develop standards for measuring the quality of facilities and
22 programs for the provision of child care in this state. The standards must
23 include a consideration of:

24 (a) The accreditation of those facilities and programs;

25 (b) Partnerships and other cooperative efforts between preschool
26 programs and the system of public schools;

27 (c) Developmentally appropriate activities for children, appropriate
28 materials and equipment for children with special needs, appropriate ratios
29 of staff to children, adequate measures for a safe and healthy environment,
30 including requirements for emergency evacuation, and appropriate levels
31 of supervision;

32 (d) Individualized assessments of children to evaluate their health and
33 developmental growth;

34 (e) Goals for the professional development of providers of child care;

35 (f) Qualitative criteria for the evaluation of facilities and programs for
36 the provision of child care;

37 (g) Methods for establishing rates and making payments for services
38 subsidized by public funding for the care of children; and

39 (h) Adequate remuneration for professional providers of child care
40 which is based upon established standards for the quality of child care,
41 education, experience, the degree of responsibility for children in care and
42 the degree of responsibility for the operation of a program for the
43 provision of child care.

1 3. Make recommendations to the board for child care for any changes
2 in the statutes and regulations of this state that the advisory council
3 determines are desirable to:

4 (a) Develop and carry out a system of licensing and reimbursement of
5 child care facilities by the state that will ensure the delivery of a high
6 quality of child care in this state; or

7 (b) Improve the quality of child care provided in this state.

8 4. Review the advisability and potential cost to increase state rates for
9 the reimbursement of child care facilities based upon the quality of care
10 provided, as determined pursuant to the standards adopted by the board for
11 child care pursuant to NRS 432A.077.

12 5. Review the advisability of allowing a child care facility that has a
13 highly qualified staff and provides care to children who are 3, 4 or 5 years
14 of age to reduce the ratio of the members of its staff to the children
15 receiving care.

16 6. Review the advisability of establishing a program to use a portion of
17 the licensing fees collected from child care facilities to pay for part of the
18 costs of instruction required pursuant to section 6 of this act.

19 7. Develop proposals to promote the cooperative assistance of child
20 care facilities in the implementation of the program established pursuant to
21 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance to
22 uninsured children from low-income families in this state.

23 **Sec. 19.** The advisory council to improve the quality of child care
24 created pursuant to section 17 of this act shall, on or before:

25 1. July 1, 2000, submit a preliminary report; and

26 2. September 1, 2000, submit a final report,
27 of its findings and recommendations to the governor, the board for child
28 care and the legislative commission. The board for child care may submit
29 not more than five of the recommendations for legislation contained in the
30 final report to the director of the legislative counsel bureau for
31 transmission to the 71st session of the Nevada Legislature.

32 **Sec. 20.** On or before February 15, 2003, the chief of the bureau of
33 services for child care of the division of child and family services of the
34 department of human resources shall provide to the director of the
35 legislative counsel bureau for transmission to the 72nd session of the
36 Nevada Legislature an evaluation of the extent to which the provisions of
37 this act have improved the quality of child care in this state.

38 **Sec. 21.** 1. This act becomes effective on July 1, 1999.

39 2. Sections 17 and 18 of this act expire by limitation on May 31, 2001.