

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; making various changes regarding the provision of services relating to child care and the licensing and inspection of child care facilities; creating and providing for the use of the child care quality account; requiring a study to determine the results of the use of the account; making appropriations; 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 thereto
- 2 the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 **Sec. 2.** *The chief shall encourage and assist organizations that offer*
- 4 *toll-free telephone services for the provision of information regarding*
- 5 *child care to include in those services the provision of information*
- 6 *regarding:*
- 7 *1. All child care facilities that are currently licensed pursuant to NRS*
- 8 *432A.131 to 432A.220, inclusive, and sections 7, 8 and 9 of this act;*

- 1 2. *All referral services for child care in this state;*
- 2 3. *All child care facilities in this state that have been denied a license*
- 3 *or have had their licenses suspended, revoked or otherwise terminated;*
- 4 4. *The results of inspections conducted pursuant to NRS 432A.180;*
- 5 *and*
- 6 5. *Complaints regarding child care facilities in this state, including*
- 7 *the nature of the complaints, the status or outcome of the complaints and*
- 8 *any penalties imposed.*
- 9 **Sec. 3.** 1. *The child care quality account is hereby created in the*
- 10 *state general fund.*
- 11 2. *The chief shall administer the account and may accept gifts and*
- 12 *grants of money from any source for deposit in the account. The chief*
- 13 *may expend money in the account only to carry out the provisions of*
- 14 *section 4 of this act.*
- 15 3. *The interest and income earned on the money in the account, after*
- 16 *deducting any applicable charges, must be credited to the account. The*
- 17 *money in the account does not lapse to the state general fund at the end*
- 18 *of a fiscal year. All claims against the account must be paid as other*
- 19 *claims against the state are paid.*
- 20 **Sec. 4.** *The chief shall:*
- 21 1. *Establish a program to assist in:*
- 22 (i) *Improving the education and training of providers of child care in*
- 23 *this state;*
- 24 (ii) *Increasing the accreditation of providers of child care in this state*
- 25 *by:*
- 26 (1) *The National Association for the Education of Young Children*
- 27 *or its successor organization; or*
- 28 (2) *Any other accrediting body approved by the board;*
- 29 (iii) *Increasing the ratio of the number of persons providing child care*
- 30 *in this state to the number of children receiving child care in this state;*
- 31 (iv) *Increasing the remuneration of providers of child care in this*
- 32 *state;*
- 33 (v) *Decreasing the turnover rate among persons employed to provide*
- 34 *child care in this state; and*
- 35 (vi) *Providing loans for the construction and renovation of child care*
- 36 *facilities in this state.*
- 37 2. *Prepare and advertise a request for proposals by independent*
- 38 *contractors to assist in carrying out the program established pursuant to*
- 39 *subsection 1. Any contract awarded to such a contractor must be*

1 *awarded by competitive selection and require the contractor to provide*
2 *funding to carry out the program in an amount that is not less than the*
3 *amount of money provided to the contractor by the chief.*

4 **Sec. 5.** *The department shall adopt a payment schedule, applicable*
5 *to all programs pursuant to which the department reimburses a child*
6 *care facility for the provision of child care, which provides for the*
7 *payment, at a rate that is 10 percent greater than the usual and*
8 *customary rate of payment, of a child care facility that is accredited by:*

9 *1. The National Association for the Education of Young Children or*
10 *its successor organization; or*

11 *2. Any other accrediting body approved by the board.*

12 **Sec. 6.** *1. The board shall adopt regulations requiring the staff of a*
13 *child care facility to obtain appropriate training and continuing*
14 *education in child care and the operation of a child care facility.*

15 *2. The instruction required pursuant to this section must be obtained*
16 *in:*

17 *(a) Courses approved for the award of academic credit by a university*
18 *or community college within the University and Community College*
19 *System of Nevada; or*

20 *(b) A program of instruction approved by the bureau that encourages*
21 *the categorization of professions in child care based upon education and*
22 *experience.*

23 **Sec. 7.** *The operator of a child care facility shall display, in a*
24 *conspicuous place in the facility that is clearly visible to the general*
25 *public:*

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

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

29 **Sec. 8.** *1. The bureau shall not renew the license of a child care*
30 *facility unless:*

31 *(a) The bureau has:*

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

35 *(2) Resolved to its satisfaction any reports it has received regarding*
36 *the alleged violation by the facility of a statute or regulation of this state*
37 *relating to child care facilities; and*

38 *(3) Determined that all the staff of the facility have obtained the*
39 *instruction required pursuant to section 6 of this act; or*

40 *(b) The bureau and the child care facility have agreed to a plan for*
41 *the correction by the facility of any grounds for the bureau to deny the*
42 *renewal of the license pursuant to paragraph (a).*

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

4 **Sec. 9. The bureau shall ensure that an employee or other member**
5 **of the bureau who conducts inspections pursuant to NRS 432A.180 has**
6 **received training in:**

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

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

10 **3. The recognition of and strategies for the prevention of child**
11 **abuse;**

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

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

16 **Sec. 10.** NRS 432A.035 is hereby amended to read as follows:

17 432A.035 ~~[The]~~ **Except as otherwise provided in section 5 of this act,**
18 **the** provisions of this chapter do not apply to the program for child care and
19 development administered by the welfare division of the department of
20 human resources pursuant to chapter 422 of NRS.

21 **Sec. 11.** NRS 432A.077 is hereby amended to read as follows:

22 432A.077 1. The board shall adopt:

23 (a) Licensing standards for child care facilities.

24 (b) In consultation with the state fire marshal, plans and requirements to
25 ensure that each child care facility and its staff is prepared to respond to
26 emergencies, including, without limitation:

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

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

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

32 (c) **Requirements for child care facilities to maintain such**
33 **documentation as the board determines to be necessary to carry out the**
34 **inspections required by NRS 432A.180.**

35 (d) Such other regulations as it deems necessary or convenient to carry
36 out the provisions of this chapter.

37 2. The board shall require that the practices and policies of each child
38 care facility provide adequately for the protection of the health and safety
39 and the physical, moral and mental well-being of each child accommodated
40 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. 12. 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 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.

Sec. 13. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the bureau may enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter ~~or~~ *or a standard or other regulation adopted by the board. The bureau shall*

1 *ensure that an inspection is conducted pursuant to this subsection at least*
2 *annually and as soon as is practicable after the bureau receives a report*
3 *that a child care facility has committed or is committing a violation of a*
4 *provision of this chapter or a standard or other regulation adopted by the*
5 *board that may be detrimental to the health or safety of a child receiving*
6 *care.*

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

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

10 (b) Observe and make recommendations regarding the drills conducted
11 pursuant to NRS 432A.077,
12 to secure compliance with standards for safety from fire and other
13 emergencies.

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

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

20 **Sec. 14.** The chief of the bureau of services for child care of the
21 division of child and family services of the department of human resources:

22 1. Shall use his best efforts to ensure that the program established
23 pursuant to section 4 of this act is achieving successful results before
24 January 1, 2001.

25 2. Shall:

26 (a) Cause an independent study to be conducted to determine:

27 (1) The extent to which the program established pursuant to section 4
28 of this act has resulted in any:

29 (I) Improvement in the average amount of education and training
30 obtained by providers of child care in this state;

31 (II) Increase in the number of providers of child care in this state
32 who have obtained or are in the process of obtaining accreditation from the
33 National Association for the Education of Young Children or its successor
34 organization, or from any other accrediting body approved by the board for
35 child care;

36 (III) Increase in the ratio of the number of persons providing child
37 care in this state to the number of children receiving child care in this state;

38 (IV) Increase in the average amount of remuneration received by
39 providers of child care in this state; and

40 (V) Decrease in the turnover rate among persons employed to
41 provide child care in this state; and

1 (2) The effect of the program established pursuant to section 4 of this
2 act on the number, amount and purpose of any loans provided for the
3 construction and renovation of child care facilities in this state; and

4 (b) Submit the findings of the study to:

5 (1) The board for child care; and

6 (2) The legislative commission or, if the legislature is in general
7 session, the senate standing committee on human resources and facilities
8 and the assembly standing committee on health and human services.

9 3. Notwithstanding the provisions of section 3 of this act, may expend
10 money from the child care quality account created pursuant to section 3 of
11 this act to carry out the provisions of subsection 2.

12 **Sec. 15.** There is hereby appropriated from the state general fund to
13 the child care quality account created pursuant to section 3 of this act the
14 sum of \$50,000.

15 **Sec. 16.** 1. There is hereby appropriated from the state general fund
16 to the City of Las Vegas the sum of \$350,000 for continued support of the
17 child care training program currently operated by the City of Las Vegas.

18 2. Any remaining balance of the appropriation made by subsection 1
19 must not be committed for expenditure after June 30, 2001, and reverts to
20 the state general fund as soon as all payments of money committed have
21 been made.

22 **Sec. 17.** This act becomes effective on July 1, 1999.