

NEVADA STATE DIVISION OF PUBLIC AND BEHAVIOIRAL HEALTH  
CHILD CARE REGULATION REVIEW

WORKGROUP #1

Standards and Operations- NAC 432A.240-NAC 432A.304

**DRAFT MINUTES**

Date: Wednesday-November 4, 2015

Time: 1:30-3:30 p.m.

Division of Public & Behavioral Health

4220 S. Maryland Parkway, Bldg. D, Suite 810

Las Vegas, NV 89119

Division of Public & Behavioral Health

4150 Technology Way, Room 153

Carson City, NV 89706

**Also available via teleconference**

CALL IN NUMBER 1-888-39-2342

ACCESS CODE: 153027

**Workgroup Members Present**

Diane Nicolet, Chairperson, E.L. Cord Child Care Center, TMCC

Carol Levins, Creative Kids Learning Centers

Dale Furukawa, Acelero Learning PDC

Maureen Avery, Creative Kids Learning Center

Sherry Waugh, Child & Family Research Center, UNR

Itzel Siu-Johnson, Challenger School Foundation

**Workgroup Members Not Present**

Jason Griffith, Kids R Kids 3 NV

Kelly Holtam, Early Childhood Education Lab Program, CSN

**Child Care Licensing Staff Present**

Anna Lisa Acosta, Supervisor

Kerra Fuentes, Surveyor

Rachel Netz, Surveyor

### **Other Attendees**

Jared Busker, Children's Advocacy Alliance

Jessica Lamb, Chronic Diseases and Health Prevention (DPBH)

Sue Joyner, Child Care Advisory Council

Shelly Nye, Nevada Registry

### **Opening Remarks, Introductions, and Roll Call** *Diane Nicolet, Chairperson*

Diane Nicolet welcomed all members and attendees. She reminded all of the format to be followed for review, namely that the review worksheet would be explored question by question in relation to the specific regulations that were the focus of this meeting, NAC 432A.240 and NAC 432A.250. Diane reminded all members of the workgroup to keep their worksheets so the committee could have a running record of how the group came to the recommendations.

### **Identification of primary and secondary workgroup recorders** *-Diane Nicolet, Chairperson*

Itzel Siu-Johnson, having been confirmed in attendance was to act as primary recorder. Diane also made the recommendation that in addition to the primary recorder, she would make notes in order to ensure that the dialogue could be captured.

### **Approval of minutes-** *Diane Nicolet, Chairperson*

After noting a spelling error on one of the attendee's names from last meeting, the minutes from the October 14, 2015 meeting were approved.

### **Review of regulations-** *Diane Nicolet, Chairperson*

General **discussion on the provisions of NAC 432A.240** was held. The regulation was read aloud for the record. No discussion was deemed necessary for subsection 1.

Diane Nicolet pointed out that in subsection 2, the language makes reference to a Division that no longer exists.

Diane proceeded to go over the worksheet questions as they apply to NRS 432A.077. Rachel pointed out that this portion gives authority to the State Board of Health.

Relating to question one: What problem was this regulation established to address? If it doesn't address a problem, what is the value to the public?

Carol indicated that she had some insight as to the value the regulation brings to the public. Overtime, as the regulations change, older facilities may fall out of compliance with the most current regulations. This provision (section 2 of NAC 432.240) helps to level the playing field for providers.

Kerra added that this applies only if people change the layout of their facility. Child Care Licensing will ensure compliance, measure rooms, etc.

Relating to question two: Impact of the regulation.

Sherry pointed out that relating to an open facility that simply changes ownership, the regulation has a fiscal impact as the new owners have to now meet new codes, and it also impacts people's time.

Diane asked Rachel what type of impact this has on the licensing agency.

Rachel responded that they have to go through the licensing process anew. When asked by Diane if this was costly to the agency, Rachel responded that it wasn't really, it depends on the fire code changes.

Carol added that if the facility is older and doesn't have a sprinkler system, some of the upgrades that have to be made can be quite expensive. It may also cause interruption of business.

Rachel added that licensing makes every effort to avoid interruption of services. They collaborate between the seller and the buyer to minimize impact.

Diane asked if they coordinate with the fire marshal, and it was confirmed that they do, issuing provisional licenses at times.

Maureen pointed out that this is different in southern Nevada. The parties may try to coordinate but it is more difficult to get everyone on the same page.

Sue Joyner shared that she had bought and sold centers and in her experience everyone worked well together. She added that when it comes to fire suppression systems, the process deals with hours of operation and the size of the building.

Diane transitioned the discussion by pointing out that cooperation is important.

Relating to question three: Any adverse impact the regulation has on various groups?

None identified.

Relating to question four: Cost of the regulation including, but not limited to enactment and enforcement

Diane proposed that it is not our job to identify the costs and suggested we move on to the next question.

Relating to question five: Are there alternate forms of the regulation that address the problem?

Diane indicated that she had heard of some redundancy in the licensing regulations.

Rachel clarified that the fire marshal has regulations and there are building codes that vary jurisdictionally.

Maureen added that the Southern Nevada Health District also has regulations that cover a lot of this. However, Rachel pointed out that the entire state does not have the benefit of the Southern Nevada Health District. Therefore, the regulations must read in a way in which they will apply to the whole state.

Maureen agreed that the redundancy was in the part of the SNV Health District.

Diane asked if there were conflicts where the regulations overlapped. To this Maureen said that there were, but not on this topic. The Health District has additional regulations over and above what licensing requires.

Relating to question six: Are the regulations written clearly and concisely?

Itzel indicated that the language is straight forward and not ambiguous.

Relating to question seven: Is this regulation necessary?

Diane gave an enthusiastic affirmation and pointed out that we need to ensure that children are in safe places, adding that adults tend to take shortcuts.

Relating to question eight: What is the research to support the rationale?

Diane addressed Rachel and Kerra and said research included universal building codes. She emphasized we must comply with jurisdictional codes and laws.

**Discussion on the provisions of NAC 432A.250- Buildings and Grounds-** *Diane Nicolet, Chairperson*

Subsection one of the regulation was read aloud. This section relates to the amount of square footage that should be made available for students.

Relating to question one: What problem was this regulation established to address? If it doesn't address a problem, what is the value to the public?

Carol stated that the same addresses adequate spacing for license capacity.

Itzel stated it attempts to address overcrowding.

Sherry indicated it was important for ease of supervision and to address health concerns.

Relating to question two: Impact of the regulation.

Itzel suggested that the impact would depend on the type of program offered. She pointed out that some programs are play-based, in which case the ample space would be critical. However, other programs, such as the one at Challenger School, which is attached to an elementary school, the curriculum is geared more toward academic instruction. Being that the students at Challenger School are taught concepts that are two years ahead of other schools, the students in the Challenger Preschools are largely engaged in activities at tables or in small reading groups on

the carpet, making the 35 square foot per child provision seem arbitrary. In view of this, the regulation does significantly impact the business capacity.

Relating to the health aspect, Dale pointed out that the space is important in order to reduce the spread of communicable diseases.

Sherry indicated that higher quality programs can indeed operate in smaller spaces, but this regulation addresses the needs of the majority.

Diane opined that it helps adults commit to larger spaces for our Nevada children.

Relating to question three: Any adverse impact the regulation has on various groups?

Itzel reiterated the impact on business practices that this regulation has on schools that offer pre-kindergarten programs attached to an elementary school, that have an advanced academic program.

Relating to question four: Cost of the regulation including, but not limited to enactment and enforcement

Rachel indicated that there would not be significant costs. Licensing only re-measures if the footprint changes.

Relating to question five: Are there alternate forms of the regulation that address the problem?

Dale posed a question to the surveyors regarding whether or not the programs in the school district are licensed.

Rachel clarified that there are preschool and kindergarten programs attached to schools, but if they are under a public school, they are regulated by the Nevada Department of Education.

A lively discussion ensued surrounding the question of regulating all preschool programs regardless of whether or not they were attached to an elementary school that is governed by the Nevada Department of Education.

Sherry clarified that if the schools don't charge tuition, then they don't have to be regulated.

Carol suggested that all schools should be regulated.

Diane proposed that someone call the Superintendent of Education and urge for programs attached to elementary schools to be included in the licensing requirements.

Itzel inquired as to whether there was any indication that the children in these programs were subjected to inappropriate conditions, necessitating additional regulation. No one was aware of any problems encountered by students who attended such programs.

Sherry clarified that Head Start programs are federally funded and regulated. These pre-kindergarten programs are subject to higher teacher-child ratios, lower group sizes and increased requirements for teacher preparation. Therefore, additional regulation may not be appropriate in Head Start classrooms.

Diane moved on to the section of accommodation and asked why these programs do not require the same parameters. Rachel clarified that such programs are intended to accommodate children for periods shorter than two hours and were therefore temporary in nature.

Relating to question six: Are the regulations written clearly and concisely?

Rachel pointed out that the language was clear.

Relating to question seven: Is this regulation necessary?

Diane stated that this section is necessary in caring for our children.

**Discussion on the provisions of NAC 432A.250- Buildings and Grounds- Diane Nicolet, Chairperson**

Subsection two of the regulation was read aloud. This section deals with the temperature of the rooms and devices that are accessible to children.

Relating to question one: What problem was this regulation established to address? If it doesn't address a problem, what is the value to the public?

Sherry stated that this section is essential for the comfort and health of the staff and children at daycare facilities and helps identify hazards.

Diane inquired as to why the low temperatures change from 65 degrees in the beginning of the section to 68 later in that paragraph.

Relating to question two: Impact of the regulation.

Diane suggested that this likely was also a financial consideration and asked about enforcement.

Rachel responded that they check the thermostats to ensure they are within the guidelines.

Relating to question three: Any adverse impact the regulation has on various groups?

None identified.

Relating to question four: Cost of the regulation including, but not limited to enactment and enforcement

Itzel suggested that the language here reflects what centers would likely do anyway as a part of doing business.

Relating to question five: Are there alternate forms of the regulation that address the problem?

Rachel pointed out that there are no regulations in licensing that overlap with these provisions.

Relating to question six: Are the regulations written clearly and concisely?

The consensus was that they are.

Relating to question seven: Is this regulation necessary?

Diane expressed that it was.

Relating to question eight: What is the research to support the rationale?

Diane referenced the Health Code.

**Discussion on the provisions of NAC 432A.250- Buildings and Grounds- Diane Nicolet, Chairperson**

Subsection three of the regulation was read aloud. This section deals with provisions to be made for ill children.

Diane inquired as to whether this section properly belongs here within the regulation.

Rachel pointed out that the regulation is addressing all possibilities of the buildings and grounds before addressing the provisions for outdoor requirements.

Diane asked if there were any facilities in Nevada that provide care for ill children.

Rachel stated that there are no facilities of this type.

Diane suggested the issue is then moot, and we could proceed to the next section.

Diane inquired as to whether we should tackle section four at the next meeting. Hearing no opposition, Diane suggested someone make a motion to adjourn after we discuss the upcoming agenda.

**Future Agenda Items- Diane Nicolet, Chairperson**

Diane indicated that the workgroup would conclude sections four and five of NAC 432A.250 and suggested that the members be prepared to discuss NAC 432A.255 and NAC 432A.265

**A MOTION WAS MADE BY ITZEL SIU-JOHNSON TO ADJOURN. THE MOTION WAS SECONDED BY MAUREEN AVERY. THE MOTION WAS PASSED UNANIMOUSLY.**

**THE MEETING WAS ADJOURNED at 3:26 p.m.**