

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH Helping people. It's who we are and what we do.



NOTICE OF PUBLIC HEARING

MISSION POSSIBLE MONTESSORI LLC IS REQUESTING A VARIANCE, #741, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that MISSION POSSIBLE MONTESSORI LLC has requested a variance from Nevada Administrative Code (NAC) 432A.536 "Group Homes".

A public hearing will be conducted on December 2, 2022, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online.

Meeting Locations:

- Southern Nevada Health District (SNHD)
 Red Rock Trail Rooms A and B
 280 S. Decatur Boulevard; Las Vegas, Nevada 89107
- Nevada Division of Public and Behavioral Health (DPBH)
 Hearing Room No. 303, 3rd Floor
 4150 Technology Way; Carson City, Nevada 89706

Join from a computer using the Microsoft Teams meeting link:

https://teams.microsoft.com/l/meetup-

join/19%3ameeting M2UwZmYwOGQtOWFhYy00ZGI1LTk2OTEtZWIyMDE0MDc2NDc1%40thread.v2/0?context=%7b%2 2Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22455656b7-d121-4709-ba81-3f70d51b1100%22%7d

Join by Phone:

1-775-321-6111 (Phone Conference ID: 153 453 179#)

Find a local number

MISSION POSSIBLE MONTESSORI LLC is requesting a variance from NAC 432A.536 which states:

NAC 432A.536 Group homes. (NRS 432A.077)

1. Except as otherwise provided in <u>NAC 432A.546</u>, a licensee of a group home shall abide by the following limits on the number of children in the group home and staffing levels:

Age of Child	Required Staff to Child Ratio	Group Size
Less than 1 year of age	1 caregiver for every 2 children	4
1 year of age or older but less than 3 years of age	1 caregiver for every 4 children	8
3 years of age or older	2 caregivers for every 6 children	12

Ê Three caregivers must be on duty whenever eight or more of the children in the facility are children with special needs.

- 2. If a licensee of a group home is:
- (a) A natural person, the licensee shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.
- (b) Not a natural person, one of the persons listed on the license pursuant to <u>NRS 432A.150</u> as a person authorized to operate the facility shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.

(Added to NAC by Bd. for Child Care, eff. 8-31-84; A 12-17-87; 5-14-90; R203-03, 7-1-2004; R112-06, 4-23-2009; A by Bd. of Health by R092-16, 9-21-2017)

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health Division of Public and Behavioral Health 4150 Technology Way, Suite 300 Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH), 4150 TECHNOLOGY WAY, CARSON CITY, NV DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE:

http://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/

Steve Sisolak Governor

Richard Whitley, MS Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH Helping people. It's who we are and what we do.



Lisa Sherych Administrator

Ihsan Azzam, Ph.D., M.D. Chief Medical Officer

November 8, 2022

Memorandum

To: Jon Pennell, DVM, Chairperson

State Board of Health

From: Lisa Sherych, Administrator

Division of Public and Behavioral Health

RE: Ashley Patterson, Mission Possible Montessori School Variance Request

Subject: Case #741: Request for Variance to Nevada Administrative Code (NAC) 432A.536 Regarding Number of Children Allowed in a Group Home, Child Care Facility.

Staff Review:

Variance Applicant Ashley Patterson, on behalf of Mission Possible Montessori School, has submitted an application for variance to Nevada Administrative Code (NAC) 432A.536, relating to the number of children and ratio of caregivers to children, in a licensed group home, child care facility. Through her application, Ms. Patterson asserts that children located in a different area of the licensed facility should not be counted as children within the licensed facility, and further that the licensed group home be permitted to operate at the same address as Mission Possible Learning, LLC, a Montessori early education provider. Ms. Patterson asserts that the unlicensed operation of a school for children is distinct and separate from the licensed facility's operations and thus should not be considered as part of the licensed facility.

It is the position of Division of Public and Behavioral Health (Division) that the operations of the Montessori school, operating at the same residential address and during the same hours as the licensed group home, also fall within the statutory definition of "child care facility." Given that an unlicensed child care facility is operating at the same address as a licensed child care facility, and further that the Applicant has not made any additional assurances as to public health and safety to increase the number of children located at the facility, the Division recommends that the Board of Health deny this application.

Background:

A child care facility is defined in statute, in relevant part, as "[a]n establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children." NRS 432A.024(1)(a).

While certain facilities are exempted from this definition, those are explicitly stated in NRS 432A.024 and do not apply to the Applicant.

Mission Possible Learning, LLC, located at 5765 Wigwam Avenue, is licensed as a group home child care facility, pursuant to NAC 432A.110 and authorized to care for up to 12 children. Operating at the same address, during the same hours, is a Montessori-school which is also "furnishing care on . . . during the day . . . to five or more children under 18 years of age [for] compensation."

As the Applicant sets forth through their application, the children receiving care at the Montessori school are kept entirely separate from the children under the care of the group home facility, sharing only a bathroom.

Considered alone, the operations of the group home facility meets the requirements of a group home, as it only provides care to up to 12 children and further meets the staffing levels set forth in NAC 432A.536, which provides in relevant part:

1. Except as otherwise provided in NAC 432A.546, a licensee of a group home shall abide by the following limits on the number of children in the group home and staffing levels:

Age of Child	Required Staff to Child Ratio	Group Size
Less than 1 year of age	an 1 year 1 caregiver for every 2 children	
1 year of age or older but less than 3 years of age	1 caregiver for every 4 children	8
3 years of age or older	2 caregivers for every 6 children	12

Analysis:

The Board of Health can only grant a variance where it finds that circumstances exist which are: (1) unique to the applicant; (2) do not generally affect other persons subject to the regulation; (3) make compliance unduly burdensome; and (4) cause a hardship to and abridge a substantial property of the applicant, NAC 439.240. Further, the Board must find that granting the variance "is necessary to render substantial justice to the applicant and enable the applicant to preserve and enjoy his or her property right" and "will not be detrimental or pose a danger to public health and safety."

The crux of the Division's concern with this variance application is that it is not only additional children being present in a separate portion of the group home licensed address. Rather, the primary concern is that the Montessori school care also constitutes the provision of child care within the parameters of NRS Chapter 432A. Therefore, the request to waive the requirements of NAC 432A.536 does not remedy the noncompliance of this operator.

The circumstances set forth in the Applicant's materials are not unique to the Applicant. All group home licensees are operated from residential addresses, all of which are subject to the same regulations. The Applicant asserts that the Montessori school was started in response to families "seeking something 'better' for their children" and that if the variance is not granted "either the daycare or the micro-school would be forced from the building."

These circumstances are not unique as to Applicant. Furthermore, options exist, within the current parameters for child care licensing, for an organization to provide Montessori-style care to children. However, the requirements limiting the number of children in a group home facility and the requirements tied to staffing ratios apply universally.

The requirements at issue exist for all licensees for the public health and safety of the children receiving care. Group home child care facilities must be adequately staffed to provide safety for children within the facility. Additionally, group home child care facilities environments remain safe by limiting the number of children for the size and capacity of the facility. The request to increase the number of children for the capacity of the facility does not include or describe any additional measures to guarantee the public health and safety the children receiving care, which is contemplated by the intent of the existing requirements.

The Applicant has not submitted evidence to meet the burden to allow the Board of Health to grant the variance, and furthermore, to grant the variance would be detrimental to public health and safety. The Division recommends the Board of Health deny this Application.

Staff Recommendation

Staff recommends that the Board of Health deny the request for variance Case #741.

Staff reasoning for the denial of variance Case #741 includes:

- 1. The circumstances allowing for approval do not exist in this case, and the Division has existing concerns regarding public health and safety.
- 2. If the Applicant has a continued desire to operate at a larger capacity, then the facility should apply for a child care center as described in NAC 432A.050.

Public Comments:

None

Presenter:

Latisha Brown, Child Care Facilities Surveyor Manager Bureau of Healthcare Quality and Compliance

Attachments: Relevant provisions of Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 432A

NRS 432A.024 "Child care facility" defined. [Effective January 1, 2022.]

- 1. "Child care facility" means:
- (a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;
 - (b) An on-site child care facility;
 - (c) A child care institution; or
 - (d) An outdoor youth program.
 - 2. "Child care facility" does not include:
 - (a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;
- (b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;
- (c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity;
 - (d) A location at which an out-of-school-time program is operated;
 - (e) A seasonal or temporary recreation program;
 - (f) An out-of-school recreation program; or
 - (g) A receiving center, as defined in NRS 424.0175.

NAC 432A.050 "Child care center" defined. (NRS 432A.077) "Child care center" means any facility in which the licensee regularly provides day or night care for more than 12 children and which is developmentally appropriate for those children.

NAC 432A.110 "Group home" defined. (NRS 432A.077) "Group home" means any facility in which the licensee regularly provides care for no less than seven and no more than twelve children.

NAC 432A.536 Group homes. (NRS 432A.077)

1. Except as otherwise provided in <u>NAC 432A.546</u>, a licensee of a group home shall abide by the following limits on the number of children in the group home and staffing levels:

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3 years of age or older	2 caregivers for every 6 children	12

Three caregivers must be on duty whenever eight or more of the children in the facility are children with special needs.

- 2. If a licensee of a group home is:
- (a) A natural person, the licensee shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.
- (b) Not a natural person, one of the persons listed on the license pursuant to <u>NRS 432A.150</u> as a person authorized to operate the facility shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH 4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please check the appropriate box that pertains to the NAC for which you are requesting a variance. **Division Administration** Health Care Quality & Compliance (NAC 439, 441A, 452, 453A, & 629) (NAC 449, 457, 459 & 652) Child, Family & Community Wellness Health Statistics, Planning, (NAC 392, 394, 432A, 439, 441A, & 442) **Epidemiology** and Response (NAC 440,450B, 452, 453, 453A, & 695C) Public Health & Clinical Services (NAC 211, 444, 446, 447, 583, & 585) Date: 10/14/2022 Mission Possible Montessori LLC 417-379-7843 Phone: Name of Applicant: 5765 West Wigwam Ave Mailing Address: NV 89139 Las Vegas City: State: Zip: We do hereby apply for a variance to of the Nevada NAC 432A, 536 chapter/section Administrative Code (NAC). (For example: NAC 449.204) Title of section in **Group Homes** question: Statement of existing or proposed conditions in violation of the NAC: "Based on observation the Group Home exceeds capacity. Surveyor observed 8 children [school-aged] in the main [defined & seperate] part of the home with one staff member. "

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Date of initial operation (if existing): 08/2020
ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:
Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))
1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that: (a) There are circumstances or conditions which: (1) Are unique to the applicant; (2) Do not generally affect other persons subject to the regulation; (3) Make compliance with the regulation unduly burdensome; and (4) Cause a hardship to and abridge a substantial property right of the applicant; and (b) Granting the variance: (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and (2) Will not be detrimental or pose a danger to public health and safety.
 Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240) Therefore, it is important for your variance request to be as complete as possible. It is your
responsibility to attach documentation supportive of your variance request.
Statement of degree of risk of health Please see attached

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH 4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

Please state in detail the circumstances or conditions which demonstrate that:

1. An ex	ceptional and undue hardship results fro	m a strict application of the Regulation:
Please see	attached	
Please see	attached	
B. In	npair substantially the purpose of the reg	ulation from which the application seeks a variance.
Please see	attached	
The bureau mapplication:	ay require the following supporting docu	ments to be submitted with and as a part of this
1.	Legal description of property concerned	Please see attached
_ 2.	General area identification map	

Updated May 2020

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH 4150 Technology Way, Suite 300

CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

	_ 3.	Plat map showing location	s of all pertinent	items and appurtenances
	_ 4.	Well log (if applicable)	N/A	
	_ 5.	Applicable lab reports (unknown	
	_ 6.	Applicable engineering or	construction/rem	odeling information N/A
	_ 7.	Other items (see following	pages)	
regulation or more supporting recommendations.	ons or specific after re- ting documendation	pecific statutory standards. Seceipt in this office if accommentation will form the base	Your request will mpanied by the raise for the Division to respond to the	be placed on the Board of Health agenda 40 days equired fee (NAC 439.210). The application and n of Public and Behavioral Health staff report and above statements may cause the Board to denying.
Please s	schedule	this hearing during:		
	The nex	at regularly scheduled Board	d of Health meeti	ng, regardless of location.
	The nex	xt scheduled meeting in Car	son City.	
X	The nex	at scheduled meeting in Las	Vegas.	
			Signature:	Ashley Patterson
			Printed Name:	Ashley Patterson
			Title:	Business & property owner
			Date:	10/17/22

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH 4150 Technology Way, Suite 300 CARSON CITY, NV 89706

APPLICATION FOR VARIANCE

PLEASE SUBMIT YOUR APPLICATION FOR VARIANCE BY USING ANY OF THE FOLLOWING METHODS:

MAIL TO:

Lisa Sherych, Administrator
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

FAX:

775-687-7570

EMAIL:

DPBH@health.nv.gov

10/08/22

Re: Mission Possible Montessori

5765 W Wigwam Ave, Las Vegas NV 89139

To whom it may concern

We are the next-door neighbor of Randi Glunt and Mission Possible Montessori. Randi and Mr. and Ms. Patterson have managed the operations of the school and parking process of arrival and pick-up of the children extremely professionally. The noise level during the day and evening events have always been considerate of all the neighbors and we have never had any concerns or issues of any kind in relation to the school. We know they would have been immediate to address any problems in a prompt and professional manner. My spouse and I are both teachers in the public school system for over 20 years, so we know the need of an alternative education and often families struggle to find this for their child and Mission Possible provides that, for our community, and for children needing a quality alternate education. We understand the need of micro schooling and Mission Possible has provided that since COVID and for that, we support their efforts.

Thank you, Chris and Glenn



10/07/22

Re: Mission Possible Learning

5765 W Wigwam Ave 89139

To whom it may concern,

My husband Dennis and myself are the next-door neighbors of Mission Possible Montessori. We live in the cul-de-sac and have for over twenty-five years. I would like to say in the last two and a half years the school has been operating Randi and the Pattersons have managed the school in a very professional manner and have always shown respect to all the neighbors. The noise nor parking has ever been an issue and if it were Randi or the Pattersons would manage all issues professionally and immediately therefor not to disrupt the daily lifestyle of the other homes in the cul-de-sac.

We understand the value that the school brings to our community and the needs of children and families to have a safe opportunity for a high-quality education, and we support this effort.

Thank you,



October 10, 2022

To Whom It May Concern,

Mission Possible Montessori is a valued and beloved center for learning in the Las Vegas Valley and I am writing to offer support and enthusiasm on behalf of myself and the Nevada education nonprofit I lead. Randi Glunt and her team have built a high-quality educational opportunity for families in their community, which would be well served by allowing this gem to grow and thrive.

As a former state oversight official for Nevada public charter schools, a frequent court-appointed expert in school and education quality for Nevada's court system, a widely-published education expert and an officer of Nevada's private school's association, my experience evaluating learning environments offers much I can draw upon in considering the quality of Mission Possible Montessori and its program. I have visited and observed on numerous occasions, and hold it in high regard for many reasons an factors.

I have also been part of several visits with national education experts who have shared my enthusiasm and feeling of excellence for their work.

In my considerable experience evaluating education environments, I have much respect and appreciation for Mission Possible Montessori, and I greatly appreciate all they do for their community.

Please do not hesitate to contact me at don@nevadaaction.org or 702-202-3573 if I can be of any assistance.

Thank you.

Sincerely,

Don Soifer President



October 9, 2022
To Whom It May Concern,

I am writing to express my appreciation for the wonderful work being done at Mission Possible Montessori. As a microschooling option for homeschool families, Mission Possible is creating a valuable, high-quality educational opportunity for families in their community.

We at the National Microschooling Center are thrilled that Mission Possible is right here in Southern Nevada, where we are based. We have national educational experts flying into Las Vegas often throughout the year to tour microschooling options here in the valley. We are proud to include Mission Possible on those tours, and have heard valuable feedback from national experts about the positive work happening at Mission Possible.

I have also had the opportunity to speak with a parent who has a child participating in Mission Possible, and I did not have to speak to this parent for long before it became apparent that the value that she finds in Mission Possible, as a safe space for her child to receive homeschooling support for her academic efforts, truly lies within the community that has been built at Mission Possible.

I commend Randi, Ashley, and their team for providing this service to families in the valley. How exciting that these children have an opportunity to receive academic support, learn at their own pace, be curious about the world around them, participate in community service projects, and make friends with other families in the community.

After seeing the excellent work being done at Mission Possible, it is no surprise that this microschooling option is in high demand. Mission Possible has renovated the home they operate in in order to provide a comfortable, safe, and beautiful environment for the children attending this program.

As a leader in the national microschooling community, I am truly grateful for the leadership of Mission Possible and all they do for their community.

Thank you,

Ashley Soifer

Chief Innovation Officer

National Microschooling Center

Meghan Mernin 10949 Sundad St. Las Vegas, NV 89179

October 11, 2022

Department of Childcare Licensing State of Nevada

To Whom it May Concern,

My son, Nolan Mernin, has attended Mission Possible Montessori for almost one year. Nolan is an ambitious six-year-old with a love for numbers and an emotional intelligence beyond his years. Nolan's recent academic and emotional growth is a testament to the quality of education the school provides. New to Las Vegas and timid at first, Nolan was shy and unsure of his new teachers and new friends. Mission Possible turned my son's shyness around and instilled in him confidence, curiosity, and so much love. (And laughs!) He thrives best in an environment where his emotional needs and academic interests are met. He works better in small groups where he can easily connect with his peers and teachers. Mission Possible checks all of these marks for us.

On a more personal note, as a single mom, Mission Possible Montessori has been a support to me and my son unlike any other school we've attended in the past. They have held us up through the tragic loss of Nolan's father and continue to foster a sense of safety for him as he navigates these new, scary feelings of grief.

I am disheartened to hear of the claim being made against the school. I implore you to reconsider and understand the importance of keeping the students in the building they know and love; maintaining the beautiful culture and sanctuary the Mission Possible founders and staff have created for our children.

Thank you for your time.

Best Regards, Meghan Wernin Meghan Mernin Dear Department of Childcare Licensing,

My name is Charnisa Bradley and I am the parent of Madison Smith who has just started her second year of microschooling at Mission Possible. I was saddened to learn that the Department of Childcare Licensing has an issue with the micro schooling program taking place at a residential location.

Mission Possible has changed not only my daughter's life but my whole family lives as well. Being in the midst of a pandemic made me realize just how flawed the public school system is and thus our homeschool journey began. Before Mission Possible I felt overwhelmed and stressed because although I was fully capable of homeschooling my child I still wanted her to experience the social aspect of learning. While visiting my local homeschooling fair I discovered Mission Possible. Sending my child there has been the best decision and investment that I could ever make. My daughter has made tremendous improvement, especially in her reading. I believe the learning environment has a lot to do with that because it is a home away from home and my daughter gets to have one on-one time with her teacher. All MPM students have their own individual work plans which demonstrates that MPM understands that not all children do well learning the same material at the same pace. My main goal for my child is to continue to thrive in an environment that pushes her to master whatever task she is faced with. Mission Possible is not only a school house but a safe haven as well. Taking this unique opportunity away from our children would only further perpetuate the misconceptions of homeschooling.

Thank you All my best Charnisa

To Whom It May Concern:

Our family joined the Mission Possible Montessori School at the start of this 2022-2023 school year. Our daughter, Layla began in the Stepping Stones class. This was a tough decision for us to make. Layla attended Kindergarten for the 2021-2022 school year at a local Charter school; she began the year loving learning and excited for school but by a month into the school year, even though academically she was doing "fine," she was losing her love for learning. Every day was a struggle for her and she would not want to go to sleep each night because she was worrying about the next school day. At the Charter school her teacher was kind and the school did it's best; but, teaching 26 students at the same time and pace did not meet Layla where she was in her learning. As the year came to an end knew we needed to make a change.

As an educator myself, working for the Southern Nevada Regional Professional Development Program (SNRPDP) as a Project Facilitator servicing PreK-5 teachers throughout Southern Nevada, I travel to schools throughout Southern Nevada daily and work with administrators and educators to best meet teachers and the schools needs. Even with my vast knowledge of schools in the area, I struggled to find a place that would be a good fit. I knew that Layla needed more time but the Charter or Public school gave me the opportunity to either hold Layla back; requiring Layla to relearn everything she already learned in Kindergarten or begin first grade where she would struggle, given she was not at that level yet. Neither option felt like it would help Layla learn from where she was.

We were at a loss of what to do when I found Mission Possible. From the moment we toured the school, I knew this was the right choice for us. When you enter you instantly feel like you are entering a safe, calm learning environment. The teachers care deeply and communicate with families regularly in a true partnership to help their students.

Since we began at MP this year, Layla's entire attitude towards school has shifted. She doesn't want to leave school each day she loves being there so much. Each night instead of her breaking down crying, not wanting to go to school the next day, Layla will instead write stories and read as many books as she can (without any prompting to do so) before falling asleep. Prior to Mission Possible, Layla was not reading or interested in reading. Layla has recovered and gained a deeper love of learning. Mission Possible is able to give Layla the love and attention she needs, meeting her where she is at and helping to continue to propel her forward. I can not imagine where we would be without Mission Possible this year. Mission Possible Montessori School has changed Layla's life and that of our families. We are so grateful.

Thank you,

Nicole Jawhari Mission Possible Montessori School Parent

Jamou 11/25/85

REVISED

FULSTONE ENTERPRISES

BY: 3555 S. HIGHLAND " 13 LAS VEGAS, NEVADA 89103 PH. (702)876-0283

, RECORDER

OF PARCEL MAPS

OFFICIAL RECORDS BOOK NO 2233

CLARK COUNTY, NEVADA RECORDS

JOAN L. SWIFT

Jorden Cruz jorden.cruz@gmail.com>Wed, Oct 12, 2022
To: info@missionpossiblemontessori.com

To whom it may concern,

We wanted to take a moment to highlight what Mission Possible Montessori means to our family. Our oldest child has been attending MPM for over a year. Prior to MPM she attended Challenger private school, which is known to be a great school however, it was not the case for our child. Public school was never for us, so we looked into micro schools, specifically Montessori schools. We were lucky enough to find MPM school and have been extremely happy with our child's development. Some examples of her growth include, overcoming social situations, regulation of her feelings, independent learning, and motivation.

MPM for us, provides the level of education and social behavior to give our child the best possible opportunities to advance in her growth. The level of professionalism and care for our child has been nothing short of amazing. We have found a community and family at MPM and any change or relocation would greatly affect the foundation that we have built thus far.

APPLICATION FOR VARIANCE

Background Factual Information

Mission Possible Montessori, LLC ("Mission Possible" or "MPM") is a licensed group-home early education center for children. It is located at 5765 West Wigwam Avenue, a single-family home situated on .5 acres. The house is 2,870 square feet, of which approx. Four hundred seventy square feet are exclusively for private use, and 2,400 square feet are used for educational programs. In one section of the home, up to 12 students ages 3-7 served by Mission Possible receive Montessori early education from dedicated staff. The licensed program also has access to a dedicated, fenced-in play space. All the preschool's dedicated areas meet or exceed the square footage requirements of the Department of Health.

In a separate part of the building, a separate entity, Mission Possible Learning, LLC (MPL), serves up to 18 students, ages 6-12, in a micro-school setting. The micro-school space is separated from the preschool space by locked doors. It has separate staff, its separate corporate existence, and its own separate indoor spaces. The only way in which the two facilities intersect is that they share a bathroom and share the outside area at separate, designated times.

The Mission Possible programs were founded by two friends who envisioned a better option for children near and dear to them. Randi Glunt is a seasoned Montessori educator of 25+ years. After decades of employment through various commercial and institutional Montessori education centers, Randi could no longer bear to continue employment with centers that misrepresent the Montessori concept to unaware parents. Ms. Glunt's dream was to open a center where authentic Montessori was employed, and she could have the autonomy to serve her learners as best and as freely as she saw fit, according to her years of classroom and child experience. Ashley Patterson, an established entrepreneur in the Vegas Valley, and a Master of Social Work by education is a mom who did not see an avenue for education that suited her needs and desires but knows how to make solutions. Since its inception, Mission Possible Learning has been visited by multiple think tanks and organizations from across the country that want to support and spread the micro-schooling concept. MPL has received a grant from the Vela Foundation, been featured in video and print promotions from the National Center for Micro-schooling, and been visited by state and local elected leaders.

In July 2020, a Department of Health inspector came to review Mission Possible's compliance with the rules and requirements for a group home. At that time, the inspector asked about the co-located microschool, and Ms. Glunt explained that the two were separate operations in separate spaces. No citation was issued.

On March 5, 2021, a different inspector came to review Mission Possible. Again, the second inspector asked about the co-located micro-school, and Ms. Glunt explained that the two were separate operations in separate spaces. No citation was issued.

On December 6, 2021, a third inspector came to review Mission Possible. This inspector also asked about the co-located micro-school, and Ms. Glunt explained that the two were separate operations in separate spaces. The inspector listed the circumstance as an infraction on her report, which led to a follow-up videoconference and ultimately to this variance application.

Please state in detail the circumstances or conditions which demonstrate that:

1. An exceptional and undue hardship results from a strict application of the regulation:

MPM's unique setting on a large property in a rambling, farmhouse-style building is essential to the type of educational programming we offer. We have designed and created areas that help support the growth and development of the child, all while learning through hands-on experiences. Our outdoor spaces are an extension of the Montessori classroom. Children have the freedom to build their hand-eye coordination, gross and fine motor skills, critical thinking, cause and effect, sensory experiences, and work in a natural garden while enjoying the fresh outdoor air. Parents and students love the property and choose MPM over other providers because of our setting for both our preschool and micro-school. It would be impossible for students to experience nature and the outdoors in the same way in a typical urban daycare or school environment characterized by recess on blacktop parking lots.

If a variance is not issued, either the daycare or the micro-school would be forced from the building, which would have significant short-term and long-term hardships for our students. Our micro-schooling program started during COVID out of necessity and has flourished outside of the pandemic as parents seek safe and neutral spaces for their children to receive a quality education. We serve approximately 18 micro-schooling families, most of whom have left traditional education providers (public, private, and charter) and are seeking something "better" for their children. The families that we serve, all registered home-school students, value MPM's unique residential setting not only for the comfort it provides our learners but for the unique opportunities it holds for our students, such as cooking, gardening, and an abundance of outdoor space. MPM's environments allow learning to happen in an active, thriving, interconnected community. A strict interpretation of the regulation would force either disbandment or relocation of our program and learners.

In the short term, transitioning to a new facility in the middle of the school year would cause significant hardship for these students, families, and the staff who serve them. Children thrive on predictability, where they can explore, experiment, and grow in a safe, stable context. Relocating to a new building on a new, different property mid-year would be chaotic and necessarily involve many bumps and learning curves, no matter how hard our dedicated staff work to ease the transition.

In the long term, it is doubtful we would be able to find another facility like our current one, with abundant outdoor space and cozy community space indoors. Alternatively, forced relocation may shutter the micro-schooling program as a new lease, or a new property acquisition could only be covered by charging our families a prohibitive participation fee.

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

The grant of a variance poses virtually zero effect on public welfare. Our micro-schooling program is a private and self-contained education program with self-elected participation from home-schooling families. Our early education licensed program is also a willful election by enrolled families who make the decision to enroll with full disclosure and awareness that we facilitate education for older children within the same property. Many of our early education families have multiple children at different ages and stages that appreciate the ability and experience of having their children at the same location. In both settings, we are committed to a quality and safe program. Our micro-schooling program is operated the same way as any licensed program, with appropriate ratios, square footage, and safety codes.

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

NAC 432A.538, which limits the number of children in a group home, serves important purposes. It ensures that adequate space is available for educational and play activities in the typically smaller setting of a residence compared to a commercial building. It ensures sufficient attention from program staff as required by the ratios. It ensures safety with others in the building. It respects neighbors who may not want the vehicle traffic associated with a larger program that would not be a bother in a commercial area or the noise from many children playing outside.

Those concerns are all directly addressed in this application. MPM's preschool program meets or exceeds all the required square footage and staff ratio requirements in the code. The teachers in the micro-school pass the same background check required for the preschool staff. Through the use of locked doors, separated outdoor space times, and scheduling coordination, preschool students are not at risk of being subjected to improper social behaviors from older students in the micro-school program. MPM and MPL also work hard to create unique learning communities; MPM reserves the right to decline participation in our programs if child or family behaviors and priorities are not aligned with the center and fellow participating families. MPM's residence is set off by its large acreage from the neighbors. The neighborhood has only a few homes and no immediate surrounding communities, and as it is on a self-contained court, its traffic pattern is not disruptive. As evidenced by the attached letters from our neighbors, MPM has the support of those who share its court, and its two programs have not been a disruption to them. In short, the freedom of a waiver would not compromise the quality of any program we operate or undermine any of the policy interests underlying the rule.

STATE OF NEVADA

STEVE SISOLAK Governor

RICHARD WHITLEY, MS Director



LISA SHERYCH
Administrator

HSAN AZZAM, Ph.D., M.D. Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH Child Care Licensing Program

3811 W Charleston Blvd #210, Las Vegas, NV 89102 Phone: 702-486-3822 Fax: 702-486-6660

Hand Delivery: July 26, 2022

Re: Notice of Administrative Fine Due - facility to come into compliance with 50D by August 9, 2022; If facility does not come into compliance by 81 9/2002, a fine of \$100 a day will be Set-Forth, fine due 8/23/2022,

Edith Farner

Print Name Delivered By: Signature:

Print Name Received By Signature

*Administrative fines may be paid on the Online Licensing System Website at this address: https://nvdpbh.aithent.com/login.aspx

Please submit by: August 3, 2022 (10 days from the date of this letter)

efarmer cheath.nv.gov

Public Health: Working for a Safer and Healthier Nevada



DEPARTMENT OF HEALTH AND HUMAN SERVICES

D.HHS

Lisa Sherych Administrator

Ihsan Azzam, Ph.D., M.D. *Chief Medical Officer*

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH Helping people. It's who we are and what we do.

NOTICE OF ADMINISTRATIVE FINE DUE

HAND DELIVERY

RANDI GLUNT
MISSION POSSIBLE MONTESSORI SCHOOL
5765 W WIGWAM AVE
LAS VEGAS, NV 89139
RE: Fine letter

Dear Ms. Glunt:

YOU ARE HEREBY NOTIFIED that the DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH) intends to apply an administrative fine to your account. Failure to correct the violations set forth in the Statement of Deficiencies issued on 05/05/2022 after 10 days from the receipt of this notice will result in a fine of \$100 for each day the facility is in noncompliance with the Statement of Deficiencies.

This assessed fine is due within 10 days of this dated notice or the facility can exercise their right to an appeal.

*Administrative fines can be paid on the Online Licensing System Website at this address:

https://nvdpbh.aithent.com/login.aspx

Statutory or Regulatory Authority

NRS432A.190 (4) provides that the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing.

The Division has found violations of the following regulations:

NRS 432A.190

NAC 432A.195

Facts Supporting Administrative Fine

On 05/02/2022, an Annual Inspection was conducted.

- On 05/05/2022, a Statement of Deficiencies (SOD) was issued to the provider, with a Plan of Correction (POC) due date of 05/19/2022.
- On 05/24/2022, an Unacceptable POC Notice was issued to the provider for failure to adequately address the non-compliances in accordance with NAC and NRS codes.
- Facility given a new due date of 05/24/2022 to submit an acceptable POC.
- As of 07/22/2022, the provider has failed to submit an Acceptable POC.

Due to the facility's failure to comply with NRS 432A.190 and NAC 432A.195, the facility has assessed an administrative fine in the amount of \$100 for each day the facility is in noncompliance with the Statement of Deficiencies. Facility has 10 days to correct violations noted within the Statement of Deficiencies prior to fine being assessed.

Notice of Right to Appeal

NAC 439.346 provides that appeal of proposed disciplinary action: Exhaustion of informal procedures required; filing request for appeal; contents of request. (NRS 439.200)

- 1. A person who wishes to file an appeal with a hearing officer contesting proposed disciplinary action by the Division must first exhaust all internal informal procedures for appeals.
- 2. A request for an appeal must be addressed to the Administrator of the Division and must be received by the Administrator not later than 10 business days after the date on which the appellant received notice of the proposed disciplinary action pursuant to NAC 439.345. The request must specify:
 - (a) The disciplinary action to be contested;
 - (b) The name of the officer or employee of the Division who proposed the disciplinary action; and
 - (c) The reasons that the appellant believes the disciplinary action is incorrect.

NAC 439.348 Stay of proposed disciplinary action pending appeal; exceptions. (NRS 439.200)

Except as otherwise provided in <u>NAC 449.99908</u> or in the case of an emergency or a summary suspension, the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal.

If you have any questions, please contact Child Care Licensing.

atisha Prown, MSW, Program Manager

Edith Farmer, Child Care Facilities Surveyor Supervisor

Paul Shubert, Bureau Chief

cc: Lisa Sherych, Administrator Cody Phinney, Deputy Administrator Pierron Tackes, Chief Deputy Attorney General

> 3811 W Charleston Blvd, Suite 210 ● Las Vegas, Nevada 89102 702-486-3822 ● Fax 702-486-6660 ● dpbh.nv.gov

References

NRS 432A.190 Grounds for denial, suspension or revocation of license; maintenance of log of certain complaints by Division; administrative fine; opportunity for hearing. [Effective through December 31, 2023.]

1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a

license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the

clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant

or licensee is otherwise unfit to work with children.

- (i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.
- 2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

- (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.
- 3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:
- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
 - (b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

Ê The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

NAC 432A.195 Notice of violation; administrative fines; appeals. (NRS 432A.077, 432A.190)

- If an inspection of a facility conducted pursuant to NRS 432A.180 reveals that the person who operates the facility is in violation of any provision of this chapter or chapter 432A of NRS, the Division may issue a notice of violation. The notice of violation may be issued in the form of a statement of deficiencies or a report of an inspection of the facility. The notice of violation must:
 - (a) Be in writing and describe with particularity the nature of the violation;
 - (b) Include the time permitted to correct the violation;

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- (c) Inform the person who operates the facility of the provisions of subsections 2, 3 and 4; and
- (d) Be sent to the person who operates the facility by electronic mail or by United States mail to the last known address of the person who operates the facility.
 - The Division may impose an administrative fine in the amount of \$100 for:
- (a) The failure to satisfy the requirements of this chapter or <u>chapter 432A</u> of NRS relating to information on the background and personal history of all persons required to be investigated during the licensing period of the facility.
- (b) The failure to correct any violation of a provision of this chapter or <u>chapter 432A</u> of NRS within the time frame set forth in the notice of violation. A fine may be imposed for each day a facility is in noncompliance with the notice of violation.
- (c) The failure to satisfy the applicable requirements for the ratio of caregivers to children pursuant to this chapter or chapter 432A of NRS two or more times during the licensing period of thefacility.
- (d) The failure to satisfy the requirements of this chapter or <u>chapter 432A</u> of NRS for training of the caregivers in the facility by the end of the licensing period of the facility.
- (e) The failure to submit a completed application for reissuance before the expiration of the license of the facility, in addition to any renewal or late fee set forth in NAC 432A.200 and 432A.220.
- 3. The Division may impose an administrative fine of \$200 in addition to any administrative fine prescribed by subsection 2 if the violation of a provision of this chapter or <u>chapter 432A</u> of NRSresulted in an injury to any person.
- 4. A licensee upon whom the Division imposes an administrative fine pursuant to this section may appeal that action pursuant to the procedures set forth in <u>NAC 439.300</u> to <u>439.395</u>, inclusive.

Assessor Map Aerial View Building Sketch Ownership History

GENERAL INFORMATION		
PARCEL NO.	176-13-201-019	
OWNER AND MAILING ADDRESS	PATTERSON ASHLEY M	
	5765 W WIGWAM AVE	
	LAS VEGAS	
	NV 89139	
LOCATION ADDRESS	5765 W WIGWAM AVE	
CITY/UNINCORPORATED TOWN	ENTERPRISE	
ASSESSOR DESCRIPTION	PARCEL MAP FILE 48 PAGE 57	
	LOT 3	
RECORDED DOCUMENT NO.	* <u>20190705:00926</u>	
RECORDED DATE	JUL 5 2019	
VESTING	NS	
COMMENTS	C-20190705:927	

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT		
TAX DISTRICT	635	
APPRAISAL YEAR	2021	
FISCAL YEAR	2022-23	
SUPPLEMENTAL IMPROVEMENT VALUE	0	
INCREMENTAL LAND	0	
INCREMENTAL IMPROVEMENTS	0	

REAL PROPERTY ASSESSED VALUE			
FISCAL YEAR	2021-22	2022-23	
LAND	49000	54250	
IMPROVEMENTS	63283	66093	
PERSONAL PROPERTY	0	0	
EXEMPT	0	0	
GROSS ASSESSED (SUBTOTAL)	112,283	120,343	
TAXABLE LAND + IMP (SUBTOTAL)	320,809	343,837	
COMMON ELEMENT ALLOCATION	0	0	
ASSESSED			
TOTAL ASSESSED VALUE	112,283	120,343	
TOTAL TAXABLE VALUE	320,809	343,837	

Click here for Treasurer Information regarding real property taxes.

Click here for Flood Control Information.

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION			
ESTIMATED SIZE 0.50 ACRES			
1987			
350000			
7/2019			

SALE TYPE	R - RECORDED VALUE
LAND USE	20.110 - SINGLE FAMILY RESIDENTIAL
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	2185	CASITA SQ. FT.		ADDN/CONV	
2ND FLOOR SQ. FT.		CARPORT SQ. FT.		POOL	YES
3RD FLOOR SQ. FT.		STYLE	ONE STORY	SPA	NO
UNFINISHED BASEMENT SQ.	0	BEDROOMS	3	TYPE OF	FRAME-STUCCO
FT.				CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	3 FULL	ROOF TYPE	CONCRETE TILE
BASEMENT GARAGE SQ. FT.	0		FIREPLACE	0	
TOTAL GARAGE SQ. FT.	518				

ASSESSOR MAP VIEWING GUIDELINES	
MAP	<u>176132</u>
	In order to view the Assessor map you must have Adobe Reader installed on your computer system.
	If you do not have the Reader it can be downloaded from the Adobe site by clicking the following button. Once you have downloaded and installed the Reader from the Adobe site, it is not necessary to perform the download a second time to access the maps.
	Adobe Reader

Note: This record is for assessment use only. No liability is assumed as to the accuracy of the data delineated hereon.