

MINUTES

ASSEMBLY
GOVERNMENT AFFAIRS
March 14, 1977
8:30am

MEMBERS PRESENT: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody (was excused for part of meeting)
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

GUESTS PRESENT: See attached list

Chairman Murphy called the meeting to order at 8:35am.

ASSEMBLY BILL 372

Assemblyman Peggy Westall told the committee that she had this bill drafted so that mothers would be allowed to care to 1-4 children in their own homes without a license. The state law says to take care of 5 or more children together the person must have a license. She added that local newspapers would not run advertisements for babysitters if they didn't have a license because of the Sparks local ordinance. Under this ordinance the next door neighbor who babysits and gets paid is breaking the law unless she has a license. To get a license a person in Sparks must follow ordinance no. 312 which is attached as Exhibit 1. Mrs. Westall added that babysitting is now a black market business. She added that a mother knows whether the care given to her child is good at the private babysitters because she sees the facilities twice a day and can see if her children are happy. The licensed facilities are only inspected once a month. Most child care facilities in this area don't accept children over 6 or under 2. This means that the mother either has to ask someone to break the law or leave their children at home alone, which is in itself very dangerous. There are only spaces for 194 children in child care facilities in Washoe County. She added that she was at the meeting of the Legislature where the figure 5 children was set. The number below 5 was discussed but the legislators on the committee felt that private babysitting should not have to be licensed if only one to four children were involved. They were not trying to make every babysitter get a license.

Assemblyman Mann commented that he assumed that most people are just breaking the law. Mrs. Westall agreed.

Jane Douglas from the Child Care Services Division of the State of Nevada told the committee that her division was against the bill and that ideally they wanted every babysitter licensed. She added that the children should be protected. Unlicensed babysitters don't file their income with the Internal Revenue Service, don't have to worry about nutrition or safety regulations. The licensing procedure was developed through a series of public workshops.

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After a question from Assemblyman Jeffrey, Ms. Douglas told the committee that a license is required if the child being watched is not a relation.

Assemblyman Robinson, referring to the Sparks ordinance and licensing procedure, said that if we applied these qualifications and standards to public schools then they would all have to be closed.

Assemblyman Mann commented that this ordinance would make any home an unfit place to raise children and that he thought this opposition to the bill was an attempt by the state and local governments to take over the raising of our children.

Assemblyman Westall asked Ms. Douglas how many children aren't in licensed homes. There was not a direct answer.

Harold Jacobsen, Mayor of Carson City, told the committee that he was in opposition to this bill because local problems should be solved on a local level. Carson City does not have a local ordinance covering child care, they just follow state regulations.

Barbara Brady from Clark County Welfare Services urged the committee to leave child care regulations to local option. She presented testimony from Exhibit 2.

Assemblyman Westall pointed out that much of the child abuse in this country was a result of a semi-relative or relative such as a step parent or boyfriend not the next door babysitters. Ms. Brady agreed.

Ms. Brady continued by saying that Clark County ordinances and municipal ordinances cover the child care facilities in Clark County. She added that she thought the ordinances were the same as those in Sparks.

Assemblyman Robinson asked if Ms. Brady felt there were an adequate number of child care facilities in Clark County to take care of the number of children that needed watching. She said no.

Mr. Larry Farr, Bill Tapia and Jim Harris, Fire Inspectors from Reno, Sparks and Truckee Meadows respectively, told the committee that they were against this bill because of fire and life safety hazards.

Assemblyman Craddock asked what the differences should there be in homes where children are watched. He was told that under current building standards there is no difference but that before the 1973 Building Code was enacted those homes caring for children should have a one hour door between the garage and living part of the house, a smoke detector system and a fire extinguisher.

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Mr. Bob Warren, Nevada League of Cities, told the committee that the cities are legally and morally responsible for the safety of the children and that local governments should be able to take the initiative in this area.

Marsha Stapleton, National Association of Social Workers told the committee that the establishment of minimal requirements for child care are necessary. When Assemblyman Robinson asked her if she felt the Sparks ordinance requirements were minimal, she said that she did.

Doris Carpenter from Washoe County Welfare Department told the committee that her department does the licensing and that she has been involved in the licensing process for 20 years. She was against the bill because she felt that society needed to take responsibility for children who are not being properly taken care of. She said that most parents will make a good choice on the babysitter they choose, but some will not and this is what creates the problem.

Assemblyman Mann commented that with these regulations, 99% of the women in the country are not qualified to take care of 2 or more infants, specifically referring to page 19 of Exhibit 1 section 24. Mrs. Carpenter told him that that is a state regulation and that she was not always happy with state regulations.

Ms. Lillian Kaercher, Clark County Child Welfare Board, explained some of the differences between the Clark County ordinances and the Las Vegas ordinances. She added that the Clark County Community College offers 14 courses on Child Development. She also spoke about insurance and the need for insurance when taking care of other people's children. She said that regular home insurance does not cover liability of children that are not your own if you are being paid to watch them.

Chairman Murphy told the audience that the written record of this hearing would be left open until Wednesday, March 16 at 5pm so that any written testimony that is submitted before then would be included in the minutes. Action on this measure will be taken on Thursday, March 17. Letters received are attached as Exhibit 4.

ASSEMBLY BILL 419

Assemblyman Peggy Westall, sponsor of the bill, told the committee that the practice of hiring people who are not on the appropriate list from the Personnel Division is a disservice to the state and to the Personnel Division. All she is asking is that the division that is hiring follow the list procedure, this will get rid of favoritism.

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Mr. Bob Gagnier, State of Nevada Employees Association, told the committee that the primary function of the Personnel Division is to exam qualified persons and direct them to vacancies. Once these people are on the list, the list should be used. He told the committee that he did not like the underfill practice of state agencies which is their way of avoiding the personnel list. If the people are unqualified that are on the list, then the problem is with the Personnel Division and it should be solved there. He cited the abuses stemming from the underfill practice as 1)grooming favorite employees who are not yet qualified 2)appointing underqualified people who will grow into the position and then be able to fill the job description 3) appropriations are given for certain levels and then the job is underfilled and the agency saves the difference in the salaries. This loophole in the law should be closed.

Assemblyman May asked about the language on line 14 page 1 which said "most appropriate list".

Mr. Mitch Bruce, State Personnel, told the committee that his Department opposed the bill because it took away from the flexibility that an appointing authority needs. He added that the merit system takes away alot of flexibility in the hiring process and that this bill would really hinder administrators.

Upon seeing that this question needed an indepth study, Chairman Murphy appointed a subcommittee consisting of Mr. Jeffrey and Mrs. Westall, who was also named chairman of the subcommittee. The subcommittee is to report back to the full committee on Thursday, March 17.

ASSEMBLY BILL 330

Chairman Murphy explained to the committee that the reason he had asked for the action taken on A.B. 330 be rescinded was that he did not feel that the committee should set a precedent of determining what city officials' salaries should be. He therefore suggested that the committee delete subsection 2 of section 8.

Richard Bunker, City of Las Vegas, told the committee that the Fire Department was worried about the terminology on page 2 between the words "administrative and appointive", they preferred to retain appointive. He also suggested that the committee delete on line 17 on page 3 the new language and brackets.

ASSEMBLY BILL 321

Assemblyman Mann told the committee that he had contacted the Clark County Clerk over the weekend and that she had explained to him that the County Clerk's office loses money and that these fees

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have not been raised since 1969. She also told him that the large suits do have more paper work involved (justification for the staggered fees). She told him that 50% of the cases regarded the amount of \$2,500 or less, 30% of the cases regard 2,500 - \$10,000. This bill would mean approximately an additional \$180,000 for Clark County.

Russ McDonald told the committee that Washoe County Clerk has been losing money also. He also reminded the committee to considered his suggestion on March 11 of making a provision for suits not involving an award.

Chairman Murphy suggested to the committee that since under NRS 19.031 (1975) there is a \$1 portion of the fees paid to the clerk of the courts which is given to the legal aid society of the county, that since these fees were being raised (those of the clerks) then the donation to legal aid should be increased to \$3. He told the committee that he would provide a financial need statement from the Washoe County Legal Aid Society to justify the action.

ASSEMBLY BILL 422

Assemblyman Jeffrey told the committee that this was just a house-keeping measure from last session.

Robert Broadbent, representing Clark County, voiced his support.

ASSEMBLY BILLS 163, 164, 165, 166, 167

Russ McDonald explained the amendments to the bills that had been proposed to the subcommittee. These amendments are attached as Exhibit 3.

Frank Sala joined Mr. McDonald at the witness table and a discussion of the amendments took place untill Chairman Murphy told the men to get together and solve their differences and report back to the committee on Wednesday.

COMMITTEE ACTION

ASSEMBLY BILL 422 - Mr. Mann motioned for a DO PASS recommendation, seconded by Mr. Moody, passed unanimously.

The meeting was adjourned at 12:03.

Respectfully submitted,



Kim Morgan, Committee Secretary

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE: _____

NAME, ADDRESS & PHONE NO.	REPRESENTING	TESTIFYING ON BILL NO.
Bob Haggin	SNFA	AB 419
Wally Bennett	C.C.F.D.	AB 372
James Douglas	State Ched care Sw. Div	AB 372
Sabrina J. Brady	Clark Co. Social Service	AB 372
Lee Ann H. Kaercher	Clark Co Child Welfare Board	AB 372
Frank Holzhauser	Dept of Human Resources	AB 419
Lucy Barrier	Welfare Div	AB 419
Basil Tapia	Sparks Fire Dept	"
Jim HARRIS	TRUCKEE MEADOWS FPD	AB 372
Richard L. Meringer	C.C.F.D.	AB 372
Marcia Stapleton	Social Workers	AB 372

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE: _____

NAME, ADDRESS & PHONE NO.	REPRESENTING	TESTIFYING ON BILL NO.
Helena Calhoun	CC	
Harold Johnson	CC	372
Mr. Douglas Miller	Taxation	—

SUMMARY: An Ordinance regulating child care facilities.

ORDINANCE NO. 312

AN ORDINANCE CONCERNING THE ESTABLISHMENT, OPERATION, MAINTENANCE, ADVERTISEMENT AND REGULATION OF CHILD CARE FACILITIES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PERMITS FOR THE OPERATION OF CHILD CARE FACILITIES; REQUIRING THE BUILDING INSPECTOR TO VISIT AND INSPECT PREMISES WHICH ARE TO BE USED FOR CHILD CARE FACILITIES; REQUIRING HEALTH DEPARTMENT INSPECTIONS AND FIRE INSPECTIONS OF CHILD CARE FACILITIES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; REPEALING WASHOE COUNTY ORDINANCE NO. 73; AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Declaration of Policy.

It is hereby found and declared that the health, safety and welfare of the children of the community require the regulation and control of child care facilities. Therefore, pursuant to Nevada Revised Statute 449.070, all child care facilities as hereinafter defined shall be licensed, operated and controlled so as to assure children the care, protection and supervision necessary to promote their sound growth and development and protect their health, safety and welfare. It is further found and declared that the right to obtain such license is a privilege and that the operation of a child care facility when authorized by such license is subject to regulation.

SECTION 2. Definitions.

For the purpose of this ordinance the terms defined in this section shall have the meaning set forth in this section wherever used or referred to.

- A. Board: The term "Board" shall mean the Board of County Commissioners of Washoe County.
- B. Caregiver: The term "caregiver" shall mean any person whose duties include direct care, supervision and guidance of children in a child care facility.
- C. Child Care Center: The term "child care center" shall mean any child care facility, by whatever name known, other than an occupied private residence, wherein two or more children, aged two to sixteen are received, cared for and maintained.
- D. Child Care Facility: The term "child care facility" shall mean any establishment operated and maintained for the purpose of providing care, supervision, guidance and/or recreation, on a temporary or permanent basis, for any period during the day or overnight, with or without compensation to two or more unrelated children under 16 years of age, who are unaccompanied by parents, guardians or custodians. This ordinance shall not be construed to apply to:
 - 1. Care in the home of natural parents or guardians or relatives in which the children being cared for are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;

2. A foster home as defined in Chapter 424 of Nevada Revised Statutes;
 3. Care given in any institution of the State of Nevada or its political subdivisions whose standards for child care are established by other statutory authority or criteria;
 4. Free care given in connection with a regularly recognized program of church instruction, which in duration does not exceed the religious services or functions to which it is related;
 5. Occasional care of a neighbor, relative, or friend's child(ren) without compensation when such person does not regularly engage in such activity;
 6. Day camp or camp-type operations primarily involving outdoor activities.
- E. Day Care: The term "day care" shall mean the care, supervision and guidance of children, unaccompanied by parents, guardians or custodians, on a regular basis for periods of no more than 14 hours per day in a child care facility as herein defined.
- F. Director: The term "director" shall mean either the licensee or a person appointed by the licensee who shall have the responsibility for the management of the facility.
- * G. Family Child Care Home: The term "family child care home" shall mean any child care facility in an occupied private residence wherein at least two but not more than six children inclusive of children under the age of 12 in the immediate family are received, cared for and maintained.
- H. Group Child Care Home: The term "group child care home" shall mean a child care facility, usually within an occupied private residence wherein at least seven but not more than twelve children, inclusive of children under the age of 12 in the immediate family, are received, cared for and maintained.
- I. Group Recreational Facility: The term "group recreational facility" shall mean a facility that provides recreational activities on a temporary basis for no more than five hours within any 24 hour period for children six years of age and older and no more than three hours within any 24 hour period for children two to five.
- J. Infant and Toddler Nursery: The term "infant and toddler nursery" shall mean any child care facility which is equipped to care for two or more children under the age of two and may provide care up to the third birthdate. An infant and toddler nursery may be a distinct part of a child care center provided that the operations of the infant and toddler nursery shall be kept separate from the child care center.
- K. Licensee: The term "licensee" shall mean the individual corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the development and enforcement of policies, programs and

procedures of a child care facility, and adherence to these regulations in the facility.

- L. Person: The term "person" shall mean the singular and the plural and shall include individual persons, partnerships, firms, corporations or associations.
- M. Pre-school: The term "pre-school" shall mean a facility that provides a program of specific educational goals designed to maximize the individual child's learning environment and readiness for school. Any group of children may participate in the program for four hours or less per day. A pre-school may be a distinct or an integral part of another type of child care facility provided that each part meets the requirements stated herein.
- N. Private Kindergarten: The term "private kindergarten" shall mean a facility licensed by the State Department of Education. If a kindergarten is a part of a child care facility, then the kindergarten physical area must also be licensed by the Welfare Department.
- O. Specialized Child Care Facility: The term "specialized child care facility" shall mean a facility that provides child care primarily for children with developmental disabilities.
- P. Welfare Department: The term "Welfare Department" shall mean the Washoe County Welfare Department.
- Q. Welfare Director: The term "Welfare Director" shall mean the Director of the Washoe County Welfare Department.

SECTION 3. Washoe County Child Care Advisory Board.

The Washoe County Child Care Advisory Board is hereby created. The purpose of said board is to serve as an advisory body to the Washoe County Welfare Department with respect to matters pertaining to, and included in, this ordinance. The membership of said board shall be appointed by the Board of County Commissioners of Washoe County and shall include representatives from each of the following entities and areas:

- A. Washoe County Welfare Department.
- B. Washoe County District Health Department.
- C. Washoe County Building & Safety Division.
- D. A specialist in child development and education.
- E. Providers of child care services.
- F. Recipients of child care services.
- G. Nevada State Welfare (Reno office).
- H. Director of the Nevada State Child Care Services Division.

- I. City of Reno Building Department.
- J. City of Sparks Building Department.
- K. One representative representing the fire departments of the Cities of Reno and Sparks and the Truckee Meadows Fire Protection District.

Five of the initial appointees to said board shall be designated to serve for a term of one year, and six of the initial appointees to said board shall be designated to serve for a term of two years. The members of said board are eligible for reappointment. At the expiration of the initial term of members of said board appointed, all subsequent appointments shall be for a term of two years. The board shall elect its own chairperson, and shall meet at the call of the chairperson, but in no event less than six times annually.

SECTION 4. Licensing Procedures.

No person shall operate a child care facility without having a valid unrevoked license issued by the Washoe County Welfare Department pursuant to the provisions of this ordinance.

Every individual, corporation, partnership, voluntary association or other public or private organization required to be licensed under this ordinance shall make application to the Washoe County Welfare Department upon forms furnished for that purpose by the Department. Such applications shall be fully completed and signed by the applicant. Each application where care is given for compensation shall be accompanied by an application fee of \$.50 per child, such fee to be paid to the Washoe County Welfare Department. The application fee shall not be returned to the applicant whether or not a license is issued.

Upon receipt of a properly completed application for a child care license and the application fee, the Welfare Department shall initiate an investigation of the applicant, the proposed facility and the proposed plan of care for and supervision of the children and the management plan of the facility. The facility must comply with all applicable life safety, environmental health, building and zoning codes, as certified to by the appropriate agency having jurisdiction. All original applications for a license must be either approved or disapproved by the Department within sixty (60) days of receipt of the application, provided that said period may be extended not to exceed an additional thirty (30) days if reports required from other departments or agencies have not been received by the Department. An annual investigation shall be conducted by a team consisting of a child care licensing specialist from the Washoe County Welfare Department, a public health nurse from the Washoe County District Health Department, and a community health sanitarian from the Washoe County District Health Department, together with representatives from other departments when those departments have a requirement to conduct an inspection or investigation of a child care facility. Subsequent to initial licensing, the Welfare Department shall cause an inspection of a licensed child care facility to be conducted at least once each quarter of the year.

If the results of the investigation satisfy the Department that all of the

applicable rules and regulations as herein set out are satisfied, a license shall be issued which shall be in effect for a period of one year from issuance.

If the results of the investigation satisfy the Department that all of the applicable rules and regulations cannot be met immediately, but can and will be met within sixty (60) days or less after completion of licensure survey, and the deviations do not threaten the health, safety, or welfare of the children, then a non-renewable provisional license may be issued for a period not to exceed sixty (60) days from the date of issue. Such provisional licenses may in no instance be issued to a child care facility whose prior application for a license has been denied or whose license has been revoked.

Each license shall be displayed in a prominent place within the child care facility. The license shall be valid only for the premises therein described and is not transferrable to any other licensee or location.

All licenses will specify the period for which they are in force and effect, the type of facility as determined in accordance with the definitions herein, the name and address of the facility, the authorized hours of operation; and the maximum number and ages of children for which the facility is authorized to provide care, maintenance and supervision.

The number of children for which a facility will be licensed shall be determined by the type of facility provided and by the staffing and space requirements and capability of the physical plant as set forth in this ordinance. No facility shall accept for care at any given time more children than the number specified on the license.

- A. Renewal. The licensee of a child care facility shall apply for a renewal of the license not more than sixty (60) days nor less than thirty (30) days prior to the expiration of the license. Application shall be upon forms furnished by the Department. Such application shall be fully completed and signed by the applicant and shall be accompanied by an application fee of \$.50 per child. A renewal survey will not be scheduled until the application and fee are received. Renewal applications shall be approved or disapproved by the Department prior to the expiration of the license. If, after investigation, the Department determines that the facility is still in compliance with the regulations, the license will be renewed for a period of one year.
- B. Denial or Revocation and Notice. Any applicant whose application has been disapproved by the Department shall be given prompt written notice thereof by certified or registered mail to the address shown on the application. The notice shall contain a statement of the reasons for the denial, and shall inform the applicant that he may, within ten (10) calendar days after receipt of the notice of denial, file a notice of appeal with the Washoe County Manager. Within twenty (20) calendar days after receipt of the notice of appeal by the County Manager, the Board shall hold a hearing. Notice of the hearing shall be given no less than five (5) calendar days prior to the date set for the hearing. Failure to appeal as aforesaid shall automatically make the denial final. The Department may revoke the license of any facility regulated and licensed under this ordinance should the licensee:

1. Be convicted of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;
2. Be legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof;
3. Consistently fail to maintain standards established by adoption of this ordinance;
4. Refuse to submit to the Department any reports or refuse to make available to the Department any records required by it in making investigation of the facility for licensing purposes;
5. Fail or refuse to submit to any investigation or inspection by the Department or to admit authorized representatives of the Department at any reasonable time for the purpose of investigation or inspection;
6. Failure to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to prescribed minimum standards applicable to such facility.

Provided, however, that such licensee shall first be given prompt written notice of the proposed revocation, stating the specific acts or conditions which constitute lack of conformity to the conditions of the license and/or the regulations for child care facilities, the dates or time span involved, a date for termination of operation, and right of appeal as previously set forth.

A probational license may be granted to a licensed facility by the decision of the Board following a hearing, said probational license to be subject to conditions set by the Board.

Notwithstanding any of the notice and appeal provisions above set forth, if the Welfare Director finds that the health or safety of the children so requires, it shall be the duty of the Welfare Director to order immediate revocation of the license. The licensee shall be given written notice of the order by personal service, and said order shall be deemed effective upon service. The notice shall contain a statement of facts constituting the alleged emergency necessitating revocation and shall inform the licensee of the right of appeal as previously set forth. Every licensee shall be deemed to have accepted his license subject to such right of revocation.

Whenever the Welfare Department has reason to believe that a facility is operating without a license, or a licensed facility is not conforming to the conditions of the license and/or the regulations for child care facilities, the Welfare Department shall make an investigation to determine the facts. The Welfare Department shall have the authority to enter and inspect the premises where the violation is alleged to occur and to conduct such other investigations as may be indicated.

Any person who operates a child care facility without a valid license issued by the Welfare Department shall be guilty of a misdemeanor.

On a report of an unlicensed child care facility, the licensing entity shall investigate, attempt to license, force discontinuance, or prosecute.

- C. Injunctive Proceedings. In cases of repetitious or continuous violation of this ordinance, the Welfare Director may refer such violations to the District Attorney for appropriate injunctive relief pursuant to Nevada statute.

SECTION 5. Complaints.

Complaints about a facility may be received by telephone, letter or personal interview. In all complaints, an unannounced visit to the facility will be made by a Department representative. The complaint will be discussed with the Director of the facility. A report of the visit of the Department's representative and the complaint will be kept in the Department file. Action to revoke a license will be taken only after completion of the investigation and when the Department believes that the licensee is no longer complying with the regulations. Complainants will not be made known to the facility operator.

All complaints filed through the judicial process involving the child care facility, licensee and/or director thereof, or arrests of licensee and/or director, must be reported in writing to the Department within ten (10) days.

SECTION 6. Policies and Procedures.

The rules and regulations for operating and maintaining child care facilities shall be designed to promote the health, safety and welfare of the children who are to be served in the facilities by assuring safe and adequate physical surroundings, by assuring supervision and care of the children by capable, qualified personnel of sufficient number, and by assuring an adequate program of activities and services to enhance the development of each child.

A facility shall advertise and operate only as the type of facility for which it has been specifically licensed. Specialized programs of services shall not be advertised unless the center has suitable facilities and staff members qualified to offer such specific services.

A child care facility serving more than six children and infant and toddler nurseries serving more than three children shall have written policies covering the following areas:

- A. The type of service to be offered children and specific hours during which special programs are offered;
- B. Provision which can be made for special needs of individual children;
- C. Insurance coverage;
- D. Admission requirements and enrollment procedures;
- E. Fees and plan for payment;
- F. Regulations concerning belongings brought to the facility;

G. Transportation arrangements, including parental permission for trips and related activities outside the facility;

H. Procedure for the handling of illnesses and emergencies of children.

The name, address and telephone number of the person(s) with the legal responsibility and the administrative authority for the child care facility must be made known to the licensing authority and parents of children in the facility.

A child care facility must notify parents and licensing agency of changes in the services offered by the facility. Every parent who has applied for admission or whose child is being cared for in the facility shall have a right to visit and/or inspect the premises upon reasonable request.

Admission procedures must provide the caregiver with sufficient information and instruction from the parent(s) to enable the caregiver to make decisions or act in behalf of the child. Prior to admission of a child, the caregiver shall obtain necessary information in writing from the child's parent(s). Records shall be maintained and updated as appropriate. Such records shall include: the child's full legal name, his preferred name(s), sex, birthdate, current address; the name, home address, business address(es), business phone(s) of the parent(s) or person(s) legally responsible for the child; name, address and telephone number of person(s) who can assume responsibility for the child if for some reason the parent(s) or legal guardian(s) cannot be reached immediately in an emergency; name and address of person(s) authorized to take the child from the facility; signed permission to seek emergency medical treatment; name and address of child's physician.

Information pertaining to an individual child shall not be disclosed to persons other than the facility staff unless the parent(s) of the child has given written permission, there is a medical emergency, or the caregiver is reporting suspected child abuse or neglect as required by NRS 200.502 and 200.503.

There shall be written procedures providing for reporting of instances of child abuse and neglect as required by NRS 200.502 and 200.503. The Welfare Director shall establish policies for the safeguarding of the welfare of children who are abandoned or left at any facility covered under this ordinance beyond the period of time originally contracted for or intended.

All child care facilities licensed under this ordinance shall have and maintain in full force and effect at all times during each license period, adequate liability insurance coverage in amounts sufficient for the protection of children, employees, volunteers, and any visitors to the facility. Verification of insurance coverage shall be furnished to the Department. Each insurance policy shall contain an endorsement providing thirty (30) days' notice to the Department prior to the effective date of cancellation or non-renewal of the policy.

SECTION 7. Transportation Arrangements.

Any child care facility that provides transportation by automobile or other motor vehicle under its direction and control shall meet all applicable requirements for a transportation service.

- A. The facility shall require written permission from parents and guardians for transportation of their child to and from the facility and for facility-sponsored excursions in facility operated vehicles or in vehicles volunteered for facility use.
- B. The facility shall assume responsibility for a child between the place where he is called for and the facility, and from the time he leaves the facility until he is delivered to his parents, legal guardian, or other responsible person designated by his parents or legal guardian.
- C. Any vehicle used for transportation shall be enclosed and shall be in a safe operating condition. Prior to initial use and at least annually thereafter any bus shall be inspected by the State of Nevada Department of Motor Vehicles in the same manner as inspections of school buses are conducted. The vehicle and driver must be in compliance with all relevant State and local laws.
- D. The facility shall maintain and keep in full force and effect for each licensing period adequate liability and medical insurance.
- E. All loading and unloading shall be done from the curb-side of the block on which the child lives, or in the private driveway of the child's home. The driver shall wait until the child is received by the parent or guardian.
- F. No child shall be left unattended in a vehicle.
- G. No child shall be permitted to stand in the vehicle when being transported.
- H. No more than three persons shall be permitted to occupy the front seat of the vehicle. Children shall not be permitted in the front seat of a vehicle unless each child is secured with an automobile safety belt.
- I. Children shall be instructed in safe transportation conduct as appropriate for their age and stage of development.
- J. Transportation arrangements for school-age children shall be by agreement between the facility and the child's parent(s), i.e., whether the child is to walk, ride his bicycle, or travel in a car. The facility shall exercise reasonable precaution to see that the child arrives at the facility from school when expected and to follow up on his whereabouts if he should be late.

SECTION 8. Program Requirements.

A facility should supplement and reinforce the child's activities at home and, where applicable, at school. Parents are encouraged to make facility caregivers familiar with the child's habits, activities, and schedules.

The program conducted in a child care facility shall regularly provide experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being; both active and passive learning experiences which promote the development of skills, social competence, self-esteem and positive self image; positive guidance, direction, and the setting of clear cut

limits which foster the child's own ability to be self-disciplined; experiences in harmony with the life style and cultural background of the children.

A schedule of daily activities with sufficient flexibility to respond to the needs of individual children shall be established for each group of children in care for eating, sleeping, toileting, washing, restful and active group and individual activities both indoors and outdoors.

There shall be provided an assortment of play materials and equipment to offer a wide variety of play experience. Play areas shall be free of through traffic by children and adults where equipment and materials can be used with minimal interference or interruption.

The quantity of materials and equipment shall be sufficient to avoid excessive competition and long waits. Play equipment must be of sturdy, safe construction in good repair and adapted to the age of the children. A variety of games, toys, books, crafts and other activity materials shall be provided. Play materials shall be stored in an orderly way, be attractive and accessible to the children and shall be within easy reach of the children during play periods and arranged so that the children may select, remove, and replace them either independently or with assistance. Space which is within easy reach of the children must be provided for the storage of their clothing.

Furniture shall be durable and safe, child size, or appropriately adapted for children's use. There must be sufficient space and appropriate furniture and equipment to provide for support functions necessary to the nature and magnitude of the program and to provide for the reasonable comfort and convenience of staff and parents (e.g., office functions, record storage, staff meeting space, parent conferences, food preparation and servicing, staff bathrooms, laundry, etc.).

A facility serving children under thirty-six (36) months must provide an environment which protects the children from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional, and social development. There shall be an indoor area protected from general walkways within the facility where crawling children can be on the floor at least part of the day to explore. Children shall be taken out-of-doors or to other areas within the facility for a part of each day to provide some change of physical surroundings, and social interaction opportunities. Low chairs and tables or infant seats with trays are recommended for table play and meal time for children no longer being held for feeding. High chairs, if used, shall have a wide base and safety straps.

A facility must have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to accommodate the physical and other developmental needs of children served. There must be at least 3.3 square meters (35 square feet) of indoor space per child available for the care of children (i.e., exclusive of bathrooms, halls, kitchen, stairs and storage places). Rooms used for rest or play activities shall have sufficient windows for adequate light and ventilation. There must be at least 7.0 square meters (75 square feet) of outdoor play space for each child using the play area at a given time. This minimum outdoor play space shall be available for at least

one-half of the licensed capacity. The play area shall be fenced or enclosed in a manner that will prevent children from leaving the area without supervision and shall be free of hazards, debris or trash of any kind.

A child care facility offering night care must provide program modifications for the special needs of children during the night. If a facility accepts "drop-in" children, the program must allow for the needs of these children.

A child's religious belief shall be respected.

No child shall be subjected to cruel, harsh, humiliating, petty, severe or provocative treatment, or corporal punishment inflicted in any manner upon the body, nor subjected to verbal abuse, threats, or derogatory remarks about the child or the child's family; nor punished by caregivers who are "strangers" to the child or by the child's peers or peer; nor punished for lapses in toilet training, nor deprived of meals or any part of meals as punishment.

SECTION 9. General Personnel Qualifications.

All licensees and child caring personnel shall be persons of good moral character and of suitable temperament to care for children. They shall be fond of children and have an understanding of the needs of children and be interested in their welfare and development. All such personnel shall be persons of good mental and physical health and emotional stability.

All licensees shall be at least 18 years of age.

All child caring personnel shall be at least 16 years of age and able to read and write. All staff under the age of 18 must be enrolled in or have successfully completed one credited course dealing with child care development if available locally. The facility shall obtain written verification that these teenagers are enrolled in certified programs and such verification shall be open for inspection by the Department at all times. In no case shall caregivers under 18 years of age be employed in a supervisory (staff) capacity. At no time shall the majority of staff members on duty be less than 18 years of age.

Every facility shall maintain a current record for each employee including part-time and substitute staff which shall include a completed application for employment, listing name, birthday, address, social security number, telephone number, education, training, work experience, three personal references, and persons to notify in case of emergency; a photostatic copy of employee's birth certificate, baptismal certificate, health card, or other recognized proof of identity which includes a photograph of the employee; and a report of medical examination verifying that the employee is free from physical and/or mental health problems which would have a harmful effect on the children or would interfere with the effective functioning of the program. Each staff member shall have a medical examination prior to employment or shall be examined within thirty (30) days after date of employment. Such examination shall include a skin test or chest x-ray for tuberculosis. A certificate of a three year health record from a physician together with a skin test or chest x-ray for tuberculosis may be substituted for such medical examination. Thereafter, an annual skin test or chest x-ray for tuberculosis is required. If a positive skin test is found then a chest x-ray is

required. Medical examination reports shall be dated and signed by a physician.

In the event of question regarding the physical or mental health of any child care personnel, they may be required at any time to undergo further examination at the request of the Department and/or the licensee. If, as a result of further examination, there is indication of a physical, emotional, or mental condition which could be hazardous to a child, other staff, or self, and which would prevent satisfactory performance of duties, the employee shall not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining physician.

All persons employed in child care facilities shall possess a current Food Handlers card issued by the Washoe County District Health Department which must be renewed periodically in keeping with Health Department requirements for such Food Handlers card.

Persons over 18 years of age residing in a family care or group child care home should be related within the first degree of consanguinity to the licensee or the children receiving care. Information concurrent with that required for employees shall be required of any other relative or person residing in the facility.

Each facility shall have appropriate written personnel policies which shall be relevant to the type of operation. New personnel shall be provided orientation and training in the policies, procedures, and programs of the facility at the time of their employment and each facility shall provide an ongoing in-service training program in the facility.

A daily staffing record shall be maintained and shall be available to the Department representative upon request.

SECTION 10. Director Qualifications.

A. Each facility shall have a director who shall be present at the facility a minimum of twenty-five (25) hours per week. The director shall meet one of the following qualifications:

1. Have a Bachelor or Associate Arts degree with at least twelve (12) semester hours in child development, child psychology, child health, related education, or directly related field, and at least six months' satisfactory experience, or
2. A high school diploma, or its equivalent, plus at least three years of satisfactory experience in a related educational, early childhood or day care program, or
3. Certification as a Child Development Associate and one year satisfactory experience.

(Exemption: Family child care and group child care homes and any director of a child care facility on the date these regulations take effect.)

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- B. All child care facility directors must have attained the age of 21 years and have the skills and ability to:
1. Provide a child care program and facility which as a minimum meets these requirements.
 2. Maintain adequate enrollment, attendance, and related records;
 3. Accept responsibility for the screening, scheduling, supervision, and conduct of any staff, volunteers, or others who provide service in the facility.
 4. Assure that the required child/staff ratio be maintained;
 5. Cooperate with licensing and other appropriate agencies in all reasonable efforts to improve the quality of care and the competence of caregivers;
 6. Inform parents and other interested parties about the goals, policies, and content of child care programs which he or she operates.
- C. The facility director must submit a personnel application supplied by the Department, prior to licensure of the facility by the Department, which will contain correct and thorough information that includes:
1. Current personal information;
 2. Academic background;
 3. Work experience;
 4. Arrest record and convictions;
 5. Personal feeling of qualifications as a child care director;
 6. Signed authorization for the Department to verify pertinent application information.

In the event of staff turnover in the position of director, the child care facility shall employ, within sixty (60) days, a person who meets qualifications of director as stated above.

SECTION 11. Staff/Child Ratio Requirements.

A child care facility must have sufficient staff to provide for each child's physical care and to offer individual attention to children as may be needed. Determinations of staff/child ratio are made on the basis of the age of the children, the type of child care facility and fire, health, safety and program requirements.

Only those staff members working directly with the children shall be counted in the staff/ratio. The director may be counted in staff/child ratio when present at the facility.

Except in family child care and group child care homes, provisions shall be made for additional staff for cooking and maintenance.

Family child care homes, group child care homes, and day care centers shall adhere to the following minimum standards for staff-to-child ratio:

- A. Family child care homes: One caregiver on duty with provisions for an alternate on call in case of an emergency. Maximum number of children is six with no more than two children under two. Caregiver's children under the age of 12 years must be counted as part of the children under care.
- B. Group child care homes: Two caregivers on duty at all times. Maximum number of children is 12 with no more than three under the age of two. Caregiver's children under the age of 12 years must be counted as part of the children under care.
- C. Child care centers: Two caregivers for the first twenty (20) children or less and one to fifteen (15) thereafter, with the exception that only one caregiver is required if night care is offered and there are six or less children present. Children of the director or staff members, who attend the center or are on the premises for supervision and care, shall be counted in the number of children in the appropriate age groups and specified on the license. If children under two are cared for in a day care center, there must be a clearly designated infant and toddler nursery as a distinct part of the center which is staffed as hereinafter required.

Staff/child ratios for specialized child care facilities shall be determined by the Department in accordance with Health and Safety requirements.

With the permission of the Department, a child care facility may provide before and after school care for up to three additional elementary school children or ten percent (10%) in excess of licensed capacity, whichever is greater. The child care facility must provide one additional caregiver of age 16 years or older. The care shall not exceed three consecutive hours, shall not be provided during summer vacation months or as substitute care for children missing school due to illness.

SECTION 12. General Staffing Requirements.

Each facility must have sufficient staff to respond quickly to an active child about to hurt himself or another, and to provide continuous supervision with provision to respond to an emergency requiring temporary absence of the caregiver. Qualified staff shall be provided to substitute for regularly assigned staff who are sick or on vacation leave or who for other reasons are unable to be on duty.

The director must arrange the daily schedule so that children are provided with an activity requiring minimal supervision during periods of time when it is necessary for caregivers to be engaged in activities such as bathing or feeding an infant.

Family care home directors must present evidence that a plan has been developed whereby an additional person could be quickly summoned to be available in case of emergency.

In a facility where a person is assigned to work alone with a group of children, it must be possible to summon another caregiver without having to leave the children unsupervised.

In facilities offering overnight care as well as daytime care, there shall be shift staff assignments meeting staffing ratios; shift staff shall be engaged exclusively in child care and supervision of children; every member of such separate staff on duty at night shall remain awake and alert during duty hours (does not apply to facilities licensed to care for five or less children).

SECTION 13. Personal Health of Children - Medication.

Prior to accepting a child for care, every child care facility shall determine upon evidence presented by the child's parent, that the child is in good health, without any known special conditions that are not under treatment, and physically and emotionally ready for the particular program of the facility.

Within fourteen (14) days after admission, the parent, guardian or person having custody shall provide a written statement from a physician, health agency, or other service with experience in general child health evaluation, attesting that the child is in good health, that any known special conditions are under treatment, that child care does not present problems to the child which the child care programs of the facility would be unable to deal with. Said written statement shall be on file at the facility and must be renewed at least annually. (Exception: Adherents of any church or religious denomination who depend solely upon spiritual means through prayer for healing in the practice of religion.) The director shall obtain evidence that immunizations appropriate to the child's age as prescribed by health regulations have been given and shall not accept any child who has not had such necessary immunizations; provided, however, that a child may be exempted from this requirement as to one, several or all such immunizations when his physician recommends against immunizations on medical grounds, or his parents sign a request for exemption on the basis of religion. A record shall be kept on each child which includes pertinent information about his health status and any special needs he may have.

Each child shall be given a daily inspection at the child care facility before he has mingled with the other children. If there are indications of illness, the child shall not be accepted for care until medical care and clearance have been obtained.

A facility which provides for infants and toddlers shall discuss health policies with parents at the time of enrollment. Health policies shall include the following aspects: Type of feeding, provision for adequate change of clothing, care of diapers, provision of a clean area for diaper changing, provision for bathing, the type of bed and bed linens, care and sanitizing of training chairs, safety precautions, and any other aspect deemed necessary by the provider, the Department and the health consultation source.

When children with special needs are admitted to the facility, there shall be appropriate provisions for those needs. At the time of admission the caregiver shall receive documented instructions from a professional source and the parent(s) relating to the nature of the disability, the child's potential for growth and development, and his relationship to the facility programs. Where the nature of the special needs or the number of children with special needs necessitate added care, sufficient staff, which may include licensed medical personnel and equipment shall be supplied to cover these needs.

All facilities shall have provisions for health consultation from an appropriate community resource to assist in developing health policies, in keeping them current, and in providing other services as indicated. A readily understandable chart describing first aid and emergency medical treatment techniques must be conspicuously posted in each facility.

In-service training for the child care staff shall include discussions of illness and symptom observation, evaluation, and first aid methods.

Infant nurseries shall have a currently licensed Nevada nurse (RN or LPN) with experience in infant care available to supervise the general care of children. She shall also instruct the staff in proper techniques required for the children's health and general welfare. The nurse shall be on the premises a minimum of once a month, during the hours of operation, remaining as long as may be required to observe and assure that proper care of the children is maintained. It is suggested that the public health nurses be used to satisfy this requirement.

There shall be a planned source of readily available emergency medical care - a hospital emergency room, clinic, or other constantly staffed facility, physician or other health professional - known to caregivers and acceptable to parents with written parental agreement. When a child becomes ill or injured, the child shall be immediately isolated from other children in a separate room. Such room shall not be used by other children when a sick child is being cared for in the room, and no unauthorized person shall be allowed to enter that room. His parent(s) and/or physician shall be notified immediately and the child shall be removed from the facility as quickly as possible. Such children shall be under constant supervision.

When it is necessary for a staff member to accompany a child to the source of emergency care, the staff member shall remain with the child until the parent or his designee assumes the responsibility for the child's care. Arrangements shall have been made for substitute or alternate staff so that the supervision of the other children in the program is not compromised.

For children whose parents adhere to a religious faith practicing healing by prayer, or other spiritual means, the facility shall obtain a signed statement that no medical care is to be provided and any accidents, injuries or illnesses affecting such children which are of an emergency nature shall be reported immediately to the parents.

Each child care facility shall maintain a first aid kit immediately available. First aid supplies shall include those items the person in charge is qualified to use. Except for emergency first aid, no treatment or medication shall be

administered to a child without written permission of parent or guardian. All medication in the facility, for any adult or child, shall be in a locked cabinet.

All medications shall be plainly labeled with the name of the child and shall be given by one assigned person only to avoid duplication. A record of each medication given shall be recorded and initialed in the child's file. Potential poisons and medications for external use only shall be kept in a separate locked cupboard or cabinet. Medications stored in a refrigerator must be kept in a locked metal box. All prescribed medications, both internal and external shall be returned to parent(s) or guardian or be promptly destroyed upon discontinuance of use.

SECTION 14. Nutrition.

Facilities shall assure each child meals and snacks of a quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met. Food shall be nutritious, adequate and adapted to the ages of the children and shall be attractively served. All child care centers shall provide for nutritional consultation from an appropriate community resource.

Children in a facility for four hours or more shall be served a quantity of food which will supply at least one-third of the National Research Council's currently adopted Recommended Dietary Allowances. Children in a program for more than nine hours shall receive a quantity of food that will supply approximately one-half to two-thirds of the currently adopted Recommended Dietary Allowances. Each meal shall include a minimum of one-half cup (4 oz.) of pasteurized fluid milk per child unless a physician's written recommendation against milk consumption based on medical reasons is contained in the child's individual record. Full strength fruit or vegetable juice may then be substituted.

Sweets, foods and beverages with little or no nutritional value shall not be served except in addition to the normal dietary requirements. Simple nourishing snacks shall be served mid-morning and mid-afternoon.

Except in family care homes, menus shall be planned one week in advance, dated and conspicuously posted in the kitchen and also in a place convenient for the parents' inspection. Menus shall be kept on file a minimum of ninety (90) days after their use.

Facilities offering a night-time care of children shall provide a nutritious evening meal and a bed-time snack shall be served.

A "bag lunch" may be prepared, packaged and identified for the individual child at the child's home and provided to the facility by the parents.

Children shall not be allowed in the kitchen except for supervised learning experiences.

Food shall never be used as a method of discipline nor as a reward. Children shall be encouraged and assisted to eat if necessary, but in no case shall any child be forced to eat by withholding desserts or by any other means.

Infants shall be fed or supervised individually and their diet and pattern of feeding shall be appropriate to their special developmental needs. Infants unable to hold their own bottles shall be held during feeding. Infants over six months of age who show a preference for holding the bottle may be allowed to do so providing a caregiver remains in the room and within observation range.

Formulae for infants must be furnished by the parents or by a physician, and such formulae must be followed carefully. Each bottle must be labeled with the infant's name and date of preparation and stored to manufacturer's specifications.

Drinking water shall be freely available to children of all ages. A safe supply of drinking water shall be available at all times from disposable cups or from a drinking fountain. If a drinking fountain is used, it shall be of the guarded, angular jet type and set at a height readily accessible to the children.

If the water supply is from other than a public source, its location, construction and operation shall comply with standards of the Bureau of Environmental Health.

SECTION 15. Environmental Health and Safety.

The facility shall meet all local environmental health standards. The health officer or his duly authorized agent shall have authority to enter, for purposes of inspection or investigation, all child care establishments and to inspect all food products, water supplies, sewage disposal facilities, utensils, equipment and all portions of buildings located upon the premises.

Sanitation inspection reports shall be sent by the inspector to the local licensing entity and shall be on file in the facility. The report shall note the date and nature of correction of each problem within a reasonable period following the report. The inspector may designate the maximum period of time to be allowed for specific corrections to be made.

- A. Food service. The quality and type of equipment shall be appropriate to the type of food service program as approved by local health and fire authorities.
- B. Cleaning practices. Cleaning of the premises and equipment shall be performed as needed to protect the health of the children and staff. The facility shall have necessary cleaning and maintenance equipment with storage facilities and appropriate procedures for regular cleaning and routine maintenance as evidenced by a clean establishment maintained in good repair. Toys, tabletops, furniture and other similar equipment used by children shall be washable. Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical agents, shall be stored in locked metal cabinets designated for this purpose or shall be inaccessible to children. Dirty linen storage shall be separate from storage of clean linen, food and other supplies.
- C. Laundry facilities. If laundry facilities are included, they shall be installed and used in such a manner as to safeguard the health of the children. Laundry facilities shall not be used during the time the children are in

care unless they are inaccessible to the children. If laundry facilities are located in food preparation areas, such facilities shall not be used while food is being prepared.

- D. Sleeping accommodations. All preschool children remaining in the center longer than four hours shall have a nap or rest period. Facilities providing continuous care for more than four hours per day shall meet the following requirements for sleeping accommodations:
1. Individual mats, cots, and/or cribs, porta-cribs, or playpens shall be provided for napping.
 2. Where mats are used, they shall be of a resilient, fire resistive material with easily cleanable covers and be suitable for the heights of the children.
 3. Each bed or cot shall have clean adequate bedding, and for infants or whenever necessary, rubber sheets or a satisfactory substitute must be provided.
 4. Mats, cots, beds, cribs or playpens shall have a clean, washable, removable covering.
 5. Individual bed linens shall be provided.
 6. Linens shall be laundered as needed, but at least weekly and always upon change of occupant.
 7. For napping, children may use beds of the family only if individual linens are laid over the bedspreads and the child has his own blanket.
 8. Cribs, porta-cribs, or playpens shall be provided for all children under two years of age.
 9. There shall be no restraining devices of any type used in cribs unless prescribed by a physician.
 10. If bunk beds are used, they shall be of no more than two tiers, and the upper level bunk shall have safety guard rails. Children under six may occupy only lower level bunks.

Beds shall be furnished for night sleepers. The bed shall be at least 15.4 centimeters (six inches) above the floor, 76.9 centimeters (30 inches) wide and adequate in length for the child's height. (Exemption: Twenty-four inch beds already in facilities licensed at the time of adoption of this ordinance are exempt.) Cribs shall be provided for night sleepers under two years of age. Night sleepers (children) of the opposite sex, over five years of age, shall not share a common sleeping area. Mats, cots, beds and cribs shall be separated by at least 63.8 centimeters (two feet) and aisles shall be kept clear of obstructions. No mats, cots, beds or cribs shall be placed in kitchens, bathrooms, closets or basements.

- E. Bathroom facilities. Bathroom facilities shall be kept safe, clean and sanitary and shall be provided with adequate illumination and ventilation. Except in family child care homes and group child care homes, there shall be separate bathroom facilities for boys and girls six years and older. One lavatory and one toilet for each 15 children or fraction thereof shall be provided. This ratio shall be exclusive of potty chairs. The toilets and lavatories shall be of a height suitable for easy use by children or adjustment shall be made by means of a safe, moveable step.

Lavatories shall be connected to both warm and cold water. Mechanical soap dispensers and individual hand drying facilities shall be provided.

Bathtubs and bathinets shall be provided as needed. Children shall be bathed as necessary prior to bedtime in facilities offering nighttime care. Bathtubs shall have non-skid surfaces. Clean fresh towels and washcloths and other bathing articles shall be provided for each child. Personal use items, such as combs, toothbrushes, towels, and other similar items shall not be used in common.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency, with the means of opening readily available.

- F. General provisions. Each facility shall have a working, directory-listed telephone. A list of emergency telephone numbers, including emergency physicians, fire department, police department and ambulance shall be posted near the telephone.

Each child care facility shall have posted an emergency evacuation plan developed when possible with fire department personnel, to provide for the safety of the children in case of an emergency. Practice drills using this plan must be conducted at least monthly. A record of each drill conducted must be kept on file in the facility for one year.

If swimming and wading pools are used by any facility, they shall be constructed and maintained according to bathing place regulations adopted by the Board of Health and used in such a manner as to safeguard the lives and health of the children. At all times any pools or such areas must be fenced and provided with a self-closing lock device to prevent accidental or chance access by children. All wading pools shall be completely drained when unsupervised.

No animals shall be maintained or permitted to remain on the premises of a child care facility unless they are housed and maintained in a safe and sanitary manner at all times.

Adult roomers shall not be permitted upon the premises of any child care facility; provided, however, that this limitation shall not apply if the adult roomers are related to the child or children, as parent and child, and if the care provided for the children is a convenience for the adult roomers; and provided further that no more than two adult roomers may be permitted in such a licensed child care facility.

No other business which will conflict with the standards contained herein shall be conducted on the premises of any child care facility.

SECTION 16. Building and Life Safety Requirements.

All child care facilities must comply with all applicable sections of the currently adopted Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Fire Code, Life Safety Code, environmental health and zoning codes. Where there is a difference between the State and local code, the more stringent will apply.

Facilities in existence at the time of the passage of these regulations may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the passage of these regulations. Existing facilities shall have one year to comply with this section.

Whenever applying for a building permit for construction of or additions or alterations to, or remodeling of a child care facility, a draft copy of the building plans shall be submitted to the Department for review.

At the time of original application the child care facility shall be inspected and approved by the fire department and the building and safety department having jurisdiction. Thereafter and at least annually, the designated department will inspect the child care facility to insure that applicable fire and safety standards are being met and maintained. The Department may request a fire inspection at any time it deems appropriate.

Only the ground floor of any building shall be used by children unless a specific exception is granted by the fire authority. Basement areas which meet inspection requirements may be used as play areas only, provided that there are two means of egress, one of which leads directly to the outside. Each floor occupied by children shall have not less than two unobstructed remote exits, one of which shall lead directly to the outside.

The occupancy load for which means of egress shall be provided for any floor shall be the maximum of persons intended to occupy that floor but not more than one person for each 3.3 square meters (35 square feet) of net floor area used by the children, exclusive of unusable space such as kitchens, halls, stairs, offices, bathrooms, and storage areas.

~~Except in family care homes, exits to hallways or to the outside from rooms used by children shall not be less than 92.3 centimeters (36 inches) wide and 2.0 meters (6 feet 8 inches) in height. Exit doors shall swing in the direction of exit travel and be clearly marked when serving ten or more children. In facilities with an occupancy load of more than 100, the major closing doors shall be equipped with panic hardware. Exits shall be illuminated in accordance with the requirements of the Uniform Building Code, Section 3312, or with any County or City code, whichever is more stringent.~~

No exit door from a child occupied room to a hallway, or to the outside shall be equipped with a lock latch, bolt or other fastening device which will allow for locking such door against opening free from within, or which will require

a second motion to open for exit purposes.

Every closet door latch shall be such that children can open the door from inside the closet.

The number, size, type and placement of portable fire extinguishers shall be designated by the local fire authority having jurisdiction. Fire alarm systems, where required, shall be installed in accordance with applicable standards.

In all occupancies licensed, products of combustion detectors, other than heat, shall be required. They shall be installed in accordance with Section 1413 of the Uniform Building Code and U.B.C. Standard 43-6.

All child care facilities providing care during the period of 12:00 midnight to 6:00 a.m. for five or more children under kindergarten age must have an approved automatic fire extinguishing system. A life safety sprinkler system design shall be of a type approved by the local fire authority having jurisdiction. Automatic fire extinguisher systems shall be electrically interconnected to the fire alarm system.

Except for family child care homes, any area used for general storage, boiler or furnace rooms or fuel storage shall be separated from other parts of the building with construction having not less than a one-hour fire resistant rating. In areas where the authority having jurisdiction determines that areas do not present a severe hazard, such as in kitchens, products of combustion detectors other than heat may be used in lieu of one hour separations.

Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with the currently adopted Life Safety Code and National Electrical Code. The electrical wiring shall be sized to provide for the load in accordance with the National Electrical Code. Receptacles and outlets serviced by extension cord-type wiring are prohibited. Electrical appliances shall be grounded. Receptacle outlets shall be protected in all areas occupied by children.

Any heaters in spaces occupied by children shall be separated by partitions, wire screens, or protective metal guards (no combustible materials) in such a manner that children cannot poke or place articles inside of heaters or on the heating element. Portable heaters are not allowed. Unvented room heaters shall not be permitted. Oil and gas fired room heaters shall be installed in accordance with the applicable standards listed in the currently adopted Life Safety Code. A guard shall be provided to protect the children from hot surfaces and open flames. No furnishings and decorations of an explosive or highly flammable character shall be used. Windows shall not be obstructed by wrought iron bars or similar barriers.

SECTION 17. Other Safety Requirements.

The following safety requirements shall apply to all child care facilities.

Porches, walkways, and play areas which are elevated shall have barriers to prevent falls. Handrails shall be provided on stairs where there are more than

three steps in any one flight of stairs and the stairs shall be kept clean. Stairs, walkways, ramps and porches shall have non-skid surfacing.

Play areas and play equipment shall be maintained in a reasonably safe condition and play areas shall be supervised in accordance with required ratio.

All flammable materials, including fuel, pressurized cans, cleaning fluids and supplies, polishes and matches shall be stored in designated cabinets or storage facilities accessible only to authorized persons. The construction of such facilities shall be in accordance with the provisions of nationally recognized standards. There shall be no more than one gallon of flammable liquid in an approved safety container allowed on the premises.

Lead paint shall not be used in redecorating. Paint coatings in older buildings converted to child care facilities shall be checked to assure the absence of a hazardous quantity of lead.

The use of candles with an exposed flame shall not be allowed except as used for educational purposes and maintained under control of supervising adults.

Waste baskets and other waste containers used indoors shall be made of non-combustible and non-fusible materials.

Trash collection receptacles and burning facilities shall be covered and separated from child play areas.

Ground areas shall be well drained, surfaced where necessary, and free from depressions in which water may stand.

Premises shall be free from accumulations of refuse, dilapidated structures, vermin, other health and safety hazards, or "attractive nuisances."

The storage, collection and disposal of garbage shall be conducted so as to control nuisance conditions. Garbage shall be kept in tight fitting containers and removed at least weekly.

Handrails, landings, and safety gates shall be provided as required by the appropriate authority having jurisdiction.

Exterior building openings shall be screened when necessary during seasonal insect periods, with the exception of required fire exits.

All rooms shall be adequately ventilated and all rooms, corridors, halls, stairs and porches shall be adequately lighted.

There shall be no open fireplaces, open flames, or floor heaters in use. All heating elements including hot water pipes shall be insulated or installed in such a way that children cannot come in contact with them.

Furniture, equipment and toys shall be sturdily constructed without sharp edges or hazardous materials.

All painted surfaces accessible to children shall be free of toxic materials.

Interior finish shall be Class II in corridors and hallways and Class III in rooms or areas. Where an approved automatic fire extinguishing system is provided, the flame-spread classification rating may be reduced one classification but in no case shall the classification be greater than Class III.

Any refrigerator or freezer outside of the facility shall be locked.

A shaded area shall be provided by means of trees or other cover to guard children against the hazards of excessive sun and heat.

SECTION 18. Licensing Entity Administration.

The Department shall prepare rules, regulations, and standards in compliance with the licensing regulations for Nevada Child Care Facilities as adopted by the Nevada State Board of Health, for the administration of child care facilities and recommend the same for adoption by the Board in the manner prescribed for the adoption of ordinances. In exercising the powers of licensing, denying, revoking, or making provisional licenses and approvals, the Department shall investigate and inspect licensees and approved operators and applicants for a license of the facility. The Department shall submit monthly reports of new licensees, license renewals, and license terminations to the Department of Human Resources, Health Division, as required by Section 2.1.2, Licensing Regulations for Child Care Facilities.

Information relating to the licensing process and administration of the ordinance shall be maintained by the Department and shall be freely available to the general public.

Licensing representatives shall offer assistance and consultation as a regular part of their duties; however, assumption of the consultative role should always be on a when requested basis.

The authorized representative of the licensing entity may visit a child care facility at any time during the hours of operation for purposes of investigation and inspection. There shall be unannounced visits a minimum of one visit per operational quarter. In conducting investigations and inspections, the licensing representative may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields.

SECTION 19. Infant and Toddler Nurseries.

Any child care facility which offers care to two or more children under the age of two years is considered to be an infant and toddler nursery and, in addition to meeting the requirements of this section, shall meet the general standards for all child care facilities as set forth in preceding sections.

The director, in addition to the general director requirements, shall have had additional experience in the direct care or supervision of infants in an on-going structured setting such as a hospital or infant nursery.

When an infant and toddler nursery is a distinct part of a child care facility, there must be one caregiver with infants and toddlers at all times who meets

the qualifications of a director for the infant and toddler group or the director must spend at least one-half of his/her time in the infant nursery section of the facility. Any infant nursery must have two caregivers on duty at all times. Minimum staff/child ratios are as follows:

Six weeks to nine months.....one/four
Nine months to 18 months.....one/six
Eighteen months to three years.....one/eight

Each caregiver shall be assigned to a specific group of infants on a continuing basis and each child shall be provided at least an accumulated total of one-half hour morning and one-half hour afternoon of undivided attention with the same caregiver. This can include feeding and bathing.

Infants under six months of age must have additional activity periods to equal approximately two hours daily exercise out of the crib, in playpen or other suitable area. Toddlers need longer periods of activity according to their age.

Children shall be taken outdoors or to other areas within the facility for part of each day to provide some change of physical surroundings and social interaction opportunities.

Naps shall be arranged in accordance with the infants' and toddlers' needs with a staff member on duty in the room while the children nap.

Wet or soiled clothing shall be changed promptly. A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed.

The infant nursery staff shall record observations of the child's physical, emotional and developmental status.

SECTION 20. Pre-Schools.

A pre-school, in addition to meeting the requirements of this section, shall meet the general standards for all child care facilities as set forth in preceding sections.

A. Each pre-school director shall have the following qualifications:

1. Have a bachelor's degree in teaching and/or child development from an accredited college, or
2. Be a graduate of a two year child development education course and have two years experience in a full-time paid teaching position, or
3. Be a graduate of a certified one year child development program and have three years experience in a full-time paid teaching position, or
4. With approval of the Department have five years experience in a pre-school position and/or a combination of experience and education in child development.

- B. The director shall prepare a curriculum plan no less than one month in advance of the program month which shall be available for parental review and be kept on file for one year. The plan shall require assessment of each child's individuality and provision of activities suitable to his needs, comparison of each child's growth, status and progress to his own potential and shall include the following:
1. A program for listening and speaking English;
 2. A program for developing awareness of basic mathematical concepts;
 3. Development of skill and pleasure in music, arts and crafts;
 4. Development of the child's awareness of his natural surroundings and stimulating his curiosity about his environment;
 5. A program for increasing the child's awareness of the need for good physical health, personal hygiene, exercise and nutrition;
 6. Involvement of parents in school and at-home learning activities.
- C. Pre-schools are required to develop specific plans for delivery methods to accomplish the following objectives for each child:
1. Successful adjustment to an out-of-home environment.
 2. Familiarity with a group setting.
 3. Development of an interest and joy in learning.
 4. Development of feeling of security and individual success.
 5. Self-expression and self-control.
 6. Creativity.
 7. Responsibility.
- D. A facility plan for assessment of the children's growth, status and progress on an individual basis shall be prepared at least annually and shall be presented to the parent at the time of enrollment. The plan shall include the following:
1. Early identification and diagnosis for handicapped children.
 2. Educational programs for handicapped children where possible.
 3. A means for the facility and parents to mutually evaluate the child's progress.

SECTION 21. Group Recreational Facilities.

Nothing in this ordinance shall be construed to prohibit a commercial business

enterprise, duly licensed by the city/county not directly related to child care or entertainment, from providing limited facilities for the care of and/or recreation for customers' children, provided the following criteria are met:

- A. That such facility shall offer the child an opportunity for activity on his own level - recreation, socialization, and security in a pleasant, comfortable, safe, supervised facility during the parent's absence.
- B. That such child care facility shall be in a separate section of the business establishment, enclosed from the principal business venture of such establishment.
- C. That if such child care facility is established in any commercial business establishment that provides adult recreation which prohibits the participation of children, said child care facility shall be separate so that the children in care cannot see or hear the adult activity.
- D. That the adult directly or indirectly responsible for placing children in such facility of a commercial business shall remain on the premises of the commercial business during the period the child remains in such facility and no child shall remain in the facility beyond the time provided herein.
- E. That a control system shall be devised to prevent repeated periods of care or care in excess of the maximum number of hours allowed in a 24 hour period.
- F. That the general standards for all child care facilities as set forth in preceding sections are met.

Outdoor space, while recommended, is not required.

Capacity shall be determined by the local fire authority having jurisdiction.

Each group of children shall have at least two staff members in attendance at all times. The ratio of children aged two through five years to staff shall be two staff members for the first 20 children or less and one staff member to each 15 children thereafter. The ratio of children aged six and older to each staff member working directly with the children shall be determined by the licensing representative according to the physical plant and equipment available, the competence and training of staff, the demands of the program and the number of hours of care offered.

No child shall be accepted for care unless the parent or guardian completes and signs the registration form. The registration form shall include a statement that the child is free from contagious or communicable diseases, that the parent or guardian gives permission to give emergency medical care and bear the expense if physician or hospital services are needed, agrees to return for the child at or before the maximum number of hours of care has elapsed, and understands and agrees to adhere to any other policy set forth by the facility. Registration forms shall be retained for one year.

The staff member who receives the children, designated as receptionist, shall

be trained to recognize symptoms of a child who is ill or who may have special problems which should be discussed with the parent.

There shall be a staff lounge and separate washroom facilities provided for the use of staff only.

Children in care during mealtime hours shall have food available to them. Nourishing snacks shall be available to children.

X SECTION 22. Family Child Care Home.

A family child care home, in addition to meeting the requirements of this section, shall meet the general standards for all child care facilities as set forth in the preceding sections. If the residence is rented or leased by applicant, the applicant shall provide the Department written authorization from the owner approving child care on the premises.

WHO DETERMINES

The licensee of a family day care home shall be able to accept the extra responsibility of other children without jeopardizing her health or ordinary care of her children and family. The relationships of all members of a family day care home shall be such as to secure a wholesome atmosphere for children.

EXPENSIVE

All members of the family must be in good health, physically and mentally and free of disabilities which would adversely affect the care of the children. Prior to licensure the applicant and all members of a family child care home, whether related or not to the applicant, and all adult roomers, shall be required to supply the Department a current report of a medical examination verifying that they are free from physical and/or mental health problems which would have a harmful effect on the children. Thereafter, an annual examination is required. Medical examination reports shall be dated and signed by a licensed physician.

STUPID

In family child care homes offering night care, children shall not sleep in the same room with an adult.

ASSININ

The income of the licensee of a family child care home, including the licensee's spouse, whether from employment or other sources, must be regular, and sufficient to maintain an adequate standard of living for the family. The licensee shall not be employed outside the home.

SECTION 23. Severability.

If any phrase, clause, sentence, subsection, section, provision or part of this ordinance, or of any accompanying regulations, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, the remaining portions of this ordinance and/or regulations, or their application to other persons or circumstances shall not be affected.

SECTION 24. Penalty.

Any person violating any of the terms of this ordinance shall upon conviction thereof, be punished by a fine of not more than \$500.00, or by imprisonment in the County Jail for not more than six months, or by both fine and imprisonment.

SECTION 25. Repeal.

Washoe County Ordinance No. 73 entitled "An ordinance concerning the establishment,

Council split on child care

by JANIS HIGGINBOTHAM

Sparks city fathers were caught between a rock and a soft spot at the Monday evening meeting of the City Council. The soft spot—for children who need tending and a woman who wants the job—temporarily won out over the rock that is the "system."

City ordinances say no more than six children may be cared for in a private home when zoning does not allow such a commercial venture. Without such zoning, people often apply for a special use permit to make their particular circumstances legal.

"We (the council) can't go against the ordinances," Mayor Jim Lillard told the Tribune. "We've got to think of everybody's rights and not just special interests."

Former school teacher Kathy Hollis likes kids. Not just her own—twin preschoolers and a ten-year-old—but also the children who are brought to her home every morning by working mothers. These mothers say it's not easy to find a babysitter they can trust. They like Kathy Hollis.

When Mrs. Hollis' fondness for children turned into a business a few years ago, she began her lesson in bureaucracy.

First a county health nurse, then a health inspector visited the Hollis home. Soon the welfare department sent a case worker to their Puccinelli Drive residence. Eventually the building inspector and the fire marshall were knocking on their door.

As a result of these routine inspections, the Hollis' spent \$1,000 for new, safer wiring in their home; \$250 for new doors; \$100 for a fire alarm system, and a total of \$4,500 on a day care nursery that also doubles as a family room in the evening.

Looking back, husband and father Jim Hollis says he "probably never should have tried to follow all the rules and regulations."

A Cub Scout leader, Jim says their real troubles didn't begin until they applied for a special use permit with the Sparks City Council which would allow them to care for more than six children in their home. With such a permit, they would be allowed a maximum of 12 children in their home, including the three of their own.

"There seems to be a lot of overlapping and misunderstanding," Jim says, "between the state, county and city agencies that regulate child care."

Despite recommendations for denial of the special use permit from the fire department, and encouragement for the denial from City Planner Alex Fittinghoff and Mayor Jim Lillard, only Councilman Ed Hastings made an effort to comply.

Twice Hastings made a motion to deny the special permit and twice the motion died for lack of a second. Councilmen Valdo Renuci, Ron Player and Don Spanier all expressed sympathy for Mrs. Hollis, as well as the string of

Continued on Page 2

THIS HOME IS ONLY 12 YEARS OLD

"I'M GOING TO FIGHT like the dickens not to get it pinned down so that every time I say hello to somebody

Soroptimists agree to back ERA fight

Backing the ratification of the ERA, soon to go before the Nevada Legislature, the Soroptimist Club of Sparks went on record unanimously favoring its passage. The action was taken at the group's meeting Jan. 6th.

President Chris Boelman added that the club's secretary, Susan Hannah and publicity chairman, Stacy Piro, were directed to take steps to point out the ERA's objectives to the general public. The controversial amendment to the U.S. Constitution has twice been turned down by Nevada legislators. Only four more states need to ratify the ERA this year in order for it to become law.

Council split...

Continued from Page 1

mothers who appeared in her behalf. As the debate drug on, Lillard reminded the councilmen that they were not there to determine Mrs. Hollis' qualifications, but rather to uphold city ordinances.

"You mean to tell me," Councilman Plaver protested, "that if I have a Cup Scout meeting at my house I'd be breaking the law by having too many kids?"

"What about people with large families," Renucci asked. "Do people have to get a special use permit to have more than six kids?"

Fire Marshall Pat Dreshner explained that only licensed homes need meet the requirement. He also said that the fire code allows only one person for every 35 square feet of usable space in a home, and that he had observed between 19 and 32 children in the Hollis home at one time.

During a public hearing on the question, the Hollis' and their clients denied Dresher's claims of excessive numbers in the house.

Mrs. Hollis said the house is only that crowded when she is on her way to the movies with all the neighborhood kids or when her husband's Scout meeting is in session.

"I only care for nine children," she protested. "But when we go to the movies, everybody goes with us."

One of the mothers appearing at the hearing to praise Mrs. Hollis said: "My kids love Kathy and Kathy loves them. Finding a babysitter you can trust is not easy. If we lose her we're all in trouble."

Of four letters written by neighbors, only one complained of the extra traffic at the Hollis home. The written comments were in response to letters sent by City Hall, informing all interested persons of the impending public hearing.

Another letter claimed the Hollis charges were "clean, well-behaved, and quiet."

"One complaint is all we need," Lillard said later. "A special use permit is only good as long as no one complains."

Unable to come to an agreement, the Hollis case was finally continued until the next meeting of the council, Monday evening, Jan. 24. Again the meeting will include a public hearing on the legality of the day care center.

In asking for a continuation, Councilman Plaver captured the crux of the problem: "I think we need more information from the Health Department... the Welfare Department... the Fire Department... the Building Department..."

County Of Clark

CHILD WELFARE BOARD CHILD CARE FACILITIES

651 Shadow Lane
Las Vegas, Nevada 89106

386-4011 — Ext. 218

Mrs. Lillian H. Kaercher
Chairman
Mrs. Patricia J. Beitz
Vice-Chairman
Mrs. Linda Fleming
Member
Mr. Fred Kluth
Member

Mrs. Dorothy G. McBeath
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Mrs. Florence Schroeder
Member
Mr. Thomas G. Tait
Member
Mrs. Janet Bubnis
Secretary-Supervisor

March 8, 1977

Assemblyman Patrick Murphy
Legislative Building
401 South Carson Street
Carson City, Nevada 89710

Dear Assemblyman Murphy:

I am writing to you in reference to AB372, which has been referred to the Committee on Government Affairs. This bill would prohibit units of local government from licensing child care facilities caring for fewer than five children, and the Clark County Child Welfare Office feels very strongly that this bill would result in exposing young children to serious dangers.

State minimum standards presently require licensing for all facilities caring for five or more children, but it has always been a local option to be more restrictive than the State. The rural areas of the State have traditionally followed the State standard, while the urban areas of Las Vegas and Reno have always licensed facilities caring for even one unrelated child on a regular basis. The reasons for this are as follows.

First of all, some of the worst abuses to children occur in unsupervised small homes. This is because the caregivers are generally untrained, and it is far easier for them to perpetrate harsh, abusive, or negligent practices over a period of time because they lack the visibility and the exposure to numbers of other adults coming and going as do the larger day care centers. Locally, as well as nationally, some of the very worst child care conditions one can find occur in precisely this type of child care facility. In the past, when we have come across such situations the licensing laws have given us the authority to upgrade, license, and supervise such operations -- or to close them down if they were so dangerous that we could not allow child care to continue there. Without the authority to license these small facilities, we would be powerless to intervene in any way to protect children in a preventive fashion.


Second, I believe that we need to consider the kind of community we live in, which in Clark County is largely urbanized. In some rural communities which perhaps have stable populations with neighbors who know one another well, there may be relatively little need to license homes caring for only a couple children. But in an urban area with significant population changes, where neighbors do not know one another personally, and where many women have no alternative but to work and leave their children with relative strangers, licensing is a very necessary preventive service for families.

The trend all across the country is towards licensing for one or more children, for precisely these same reasons. In Nevada, however, local government entities presently have an option; they can either license all facilities or follow the State minimum standard of licensing only facilities caring for five or more children. But AB372 would prohibit us from licensing the small facilities, which seems to ignore the fact that some counties and cities may have very legitimate reasons for wanting to offer this additional protection to children. It is interesting to note that most small family child care facilities which are presently licensed in Clark County, but who would not need to be licensed under AB372, are also opposed to this bill because they too understand what goes on in some unscrupulous unlicensed facilities, and because they realize that licensing also provides protections for them.

In summary, it is hard to see how AB372 would serve the interests of Nevada children; rather, it would expose them to additional dangers and deprive us of any effective means to prevent foreseeable abuses. I urge you to give careful thought to the consequences of passage of this bill.

Thank you for your attention to this matter.

Sincerely,


Janet Bubnis
Child Welfare Office

JB/br

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Non-concurring in
 Date:
 Initial:

Adopted
 Lost
 Date:
 Initial:
 Concurring in
 Non-concurring in
 Date:
 Initial:

Amendments to Assembly / Senate

Bill / Joint Resolution No. ~~147~~ (BDR ~~25-71~~)

Proposed by Committee on Government Affairs

Exhibit 3

1977 Amendment N^o 269 A



Amend section 4, page 2, by deleting lines 29 to 31, inclusive, and inserting in lieu thereof:

"318.098 1. Except as otherwise provided in this subsection, the board of trustees of any district may request, in writing, assistance from any elected or appointed officer of the county in which the district is located, and he shall furnish the requested assistance. A county clerk or registrar of voters need not comply with a written request to conduct a district election."

Drafted by Date 2-2-77.

To Journal (3) CFB

Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to Assembly / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	
Date:	Date:	Bill / Joint Resolution No. <u>263</u> (BDR <u>25-71</u>)
Initial:	Initial:	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Government Affairs</u>
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date:	Date:	
Initial:	Initial:	

1977 Amendment N^o 271 A

Amend section 12, page 8, by deleting lines 10 through 13, inclusive, and inserting:

"questions relevant to such person's right to vote in district elections.
Registration for district elections which are not held simultaneously
with general elections shall close at 5 p.m. of the fifth Friday preceding
such district election and registration offices shall be open from 9 a.m.
to 5 p.m., excluding Saturdays, during the last days before registration.

As full compensation for services rendered pursuant to this subsection the county clerk or registrar of voters is entitled to receive from the district on behalf of the county the sum of 15 cents for each registration. All money so received by the county clerk or registrar of voters shall be deposited by him to the credit of the general fund of the county.

2. Within 30 days after the effective date of this act the board of trustees of each existing district shall cause to be filed with the county clerk or registrar of voters of the county in which the district is located a copy of its original official plat and changes thereto theretofore filed with the county recorder and county assessor. Upon receipt of such plats the county clerk or registrar of voters shall, at the expense of the district, prepare a list of all registered voters residing within the district. Subsequent registrations shall be added to the list as they occur.

3. Whenever a district election is required the county clerk or registrar of voters shall submit a list of all persons who have registered to vote in the district elections to the election officers who are charged with the duty of conducting the required election."

Amend section 20, page 13, by deleting lines 21 to 26, inclusive, and insert:

"318.095 1. There shall be held [in conjunction] simultaneously with the first general election in the county after the creation of the district and [in conjunction] simultaneously with every general election

thereafter an election to be known as the biennial election of the district. This election shall be conducted under the supervision of the board of trustees in accordance with the general election laws of this state."

Amend section 20, page 13, by deleting lines 36 through 43, inclusive, and inserting:

"before any such election, certify such nominations to the [county clerk of each county in which the district is located.] board of trustees.

If a nominee does not withdraw his name before the secretary certifies the nominations to the [county clerk,] board, his name shall be placed on the ballot. Nomination is a prerequisite to election. The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the board may direct. The returns of the election".

Amend section 28, page 19, line 32, after "Sec. 28." insert: "NRS 234.250 is hereby amended to read as follows:

234.250 1. Notwithstanding any other provision of law, each local government, as defined in NRS 354.474, shall file a copy of its official plat with:

(a) The county recorder, the county clerk or the registrar of voters, and the county assessor of each county in which its territory or any part thereof is situated.

(b) The department of taxation.

2. All changes in boundaries made subsequent to the original filing and recording of such plat shall be recorded and filed immediately with the offices with which copies of the original plat were filed.

3. Until a local government complies with the requirements of subsections 1 and 2 it shall not levy or receive any ad valorem or other tax or any other mandatory assessment.

4. This section applies to all local governments receiving and expanding funds on behalf of the public, regardless of their designation.

Sec. 29."

Amend the bill as a whole by renumbering sections 29 to 40, inclusive, as sections 30 to 41, inclusive.

**FIRE PREVENTION AND
FIRE INVESTIGATORS
ASSOCIATION OF
NORTHERN
NEVADA**



Exhibit 4

March 16, 1977

Mr. Pat Murphy
Chairman of Government Affairs
Nevada State Legislative Building
401 S. Carson
Carson City, Nevada 89701

Dear Sir:

On behalf of all the members of the Fire Prevention/Fire Investigators Association of Northern Nevada, and on behalf of all the children that are placed in foster homes, child care facilities, and other agencies, I implore you to vote "NO" on Bill No. AB372.

We feel that young children are being subjected to enough abuse, neglect and dangers with what punitive laws we now have.

I do not feel that to lessen the authority of the laws we now have will be of any aid to the children.

I, again, implore you on behalf of these children to vote "NO" on this bill.

Sincerely,

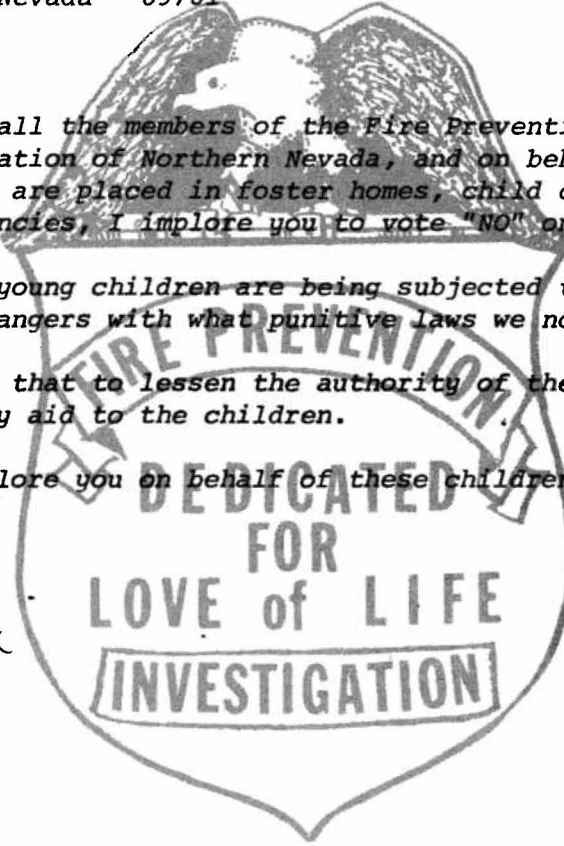
W.G. Tapia

W. G. Tapia
President

WGT:im

cc: File

Encls. 11



Committee on Government Affairs
Assemblyman Murphy.

March 14, 1977

Dear Sir,

As licensed child care providers of North Las Vegas we care for 4 children each, whose parents feel secure in the knowledge that our homes meet all the state and city rules and regulations on Child Care.

We are very much opposed to the section pertaining to child care in the Assembly Bill 372 as follows:
Summary - Exempts certain child care facilities from local licensing (BDR 20-709).

We have to meet health inspections, fire inspections. we have to have a health card, smoke detectors, fenced yards, yearly physicals and other things to keep our Misses. What will these unlicensed places have to meet? Who will keep check on them? Make sure they are only caring for under 5 children & keep their homes clean. Are they also required to report their earnings to IRS?

We feel all children have a right to a licensed child care facility. We urge you to delete this section BDR 20-709 from the Assembly Bill 372.

Thank you, (Concerned Licensed Providers)

Joann Hodson - 1648 Statz, N. Las Vegas, Nev 89033

Ruth J. Lang 3604 E Owen N.S.V. 110

~~Becky Edwards~~ 2843 Day 106 N+V Nev 89030.

Sarah Stanger 2830 Taylor Ave. N.L.V. Nev 89030

Clark County Child Care Association

P.O. Box 4855

Las Vegas, Nevada

M E M O

TO: Assemblyman Patrick Murphy,
Chairman Government Affairs Committee

FROM: Marjorie S. Henze, President, Clark County Child Care Association

DATE: March 15, 1977


RE: Assembly Bill No. 372

The Clark County Child Care Association membership of 158 child care providers, comprised of more than three-fourths (3/4) who are family day care homes, in Southern Nevada. Strongly oppose the Assembly Bill, No. 372. We feel quite strong that all family care homes should be licensed, even if they only care for a couple of children at a time.

We are aware of several examples of small unlicensed homes which have either closed or up-graded through licensing. Without the authority of the licensing laws local licensing would have been powerless to do anything about these dangerous situations.

Enclosed are letters and petitions from voters, child care providers, parents and interested parties. Asking you to delete from the Assembly Bill No. 372 "The board of county commissioners may not license or regulate a child care facility: if the number of children for whom care is furnished is less than five;"

We appreciate you granting extra time for written comment on this bill. However, we who are meeting the rules and regulations for the safety of all children do solicit you at this time to vote against the Assembly Bill No. 372.


Marjorie S. Henze,
President

cc: Assemblymen: May, Craddock, Jeffery, Mann, Moody, Robinson

WASHOE COUNTY

"To Protect and To Serve"



1205 MILL STREET
POST OFFICE BOX 11130
RENO, NEVADA 89510
PHONE: (702) 785-5611

DEPARTMENT OF WELFARE

March 15, 1977

Government Affairs Committee
Nevada State Assembly
Legislative Building
Carson City, Nv

Dear Committee Members:

The Washoe County Welfare Department, as the licensing agency for child care facilities in Washoe County and the cities of Reno and Sparks, opposes Assembly Bill No. 372, which would prohibit any entity from regulating or licensing child care facilities wherein less than five children are cared for.

It has long been recognized that it is a community responsibility to provide for the protection of children and in so doing the community must establish appropriate standards and safeguards not only in the interests of the child but to assure the parent that at least minimum standards exist in the care situation in which their child may be placed for extended periods of time each day.

Recognition and acceptance of that responsibility has been existent in Washoe County for more than 32 years when the first standards of record were established. The State of Nevada did not become involved in day care until 1963 with the enactment of legislation mandating the Nevada State Welfare Division to license facilities EXCEPT in any county or incorporated city where there had been a child care licensing agency established. It is apparent that the intent of the legislature was to recognize local authority to determine need and to establish standards appropriate to that community.

There are compelling reasons to assure the health and safety of children who are cared for away from their own homes whether it be in a family care home or in a facility designed to provide care to five children or more.

The purpose of licensing is to protect the consumer from risks against which he is unable to protect himself. In requiring licensing the intent is not to ferret out those people who are caring for children without a license and prohibit the further care of children in that home. The intent is to insure that the home is free from hazards, that the children are in a safe, nurturing environment, that the caretaker is able, both physically and mentally,

604

to provide for and protect the children. It is when these elements are not present that steps must be taken through the exercise of licensing requirements to insure that children are not placed in peril.

Respectfully,

Doris L. Carpenter
(MRS) DORIS L. CARPENTER, DIRECTOR
WASHOE COUNTY WELFARE DEPARTMENT

DLC:bjw

NEVADA STATE FIREMEN'S ASSOCIATION, INC.

March 15, 1977

Honorable Patrick M. Murphy, Chairman
Government Affairs Committee
Nevada State Legislative Building
401 South Carson
Carson City, Nevada 89701

RE: Assembly Bill 372

Sir:

The fire services are actively participating in licensing inspections for child care facilities in many areas of the State of Nevada. The role of the fire services in these inspection programs is to determine the conditions and adequacy of fire and safety in proposed child care facilities. As a result of these inspections, recommendations are made which will provide for minimum safety and protection in the event of fires.

The regulations for fire and life safety included in many local child care licensing ordinances were adopted as a result of consideration and input by all interested groups and individuals. Public hearings were held at the local level and the result has been the adoption of comprehensive and adequate regulations.

Whereas, the fire services of the State of Nevada are responsible for the protection of life and property from fire, and, whereas, the fire services are totally committed to the prevention of fire and loss of life in the event of fire, as president of the Nevada State Firemen's Association, with over 700 members throughout the State of Nevada, I urge you and your committee to vote "NO" on AB 372.

Respectfully,



Jim Harris, President
Nevada State Firemen's Association

kk

WASHOE COUNTY

"To Protect and To Serve"

March 15, 1977



1205 MILL STREET
POST OFFICE BOX 11130
RENO, NEVADA 89510
PHONE: (702) 785-5611

DEPARTMENT OF WELFARE

Mr. Patrick M. Murphy, Chairman
Government Affairs Committee
Nevada State Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Dear Mr. Murphy:

As the Washoe County Welfare Department social worker directly responsible for inspecting child care facilities, I wish to express my opposition to Assembly Bill No. 372.

The protection that Washoe County Ordinance No. 312 provides for children, their parents and the care given, is necessary for children being cared for in a private home as well as those cared for in a larger child care facility.

Some parents are not as concerned as they should be about placing their children in a child care facility. Therefore, it is especially necessary to provide licensed homes for these children.

Most inspections indicate some changes that have to be made to provide safety in the home for the children. These would not be found and corrected if licensing was not required.

Possibly some changes in the child care ordinance should be made, but basically it is a good guideline for providing safe and adequate care for children outside their own home and should not be discarded.

Very truly yours,

(MRS.) DORIS L. CARPENTER, DIRECTOR
WASHOE COUNTY WELFARE DEPARTMENT

A handwritten signature in cursive script that reads "Doris L. Anderson".

(MRS.) DORIS L. ANDERSON, CHILD CARE LICENSING

DLA/ejf

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Clark County Social Service

651 SHADOW LANE
LAS VEGAS, NEVADA 89106

(702) 386-4011

GEORGE F. OGILVIE
County Administrator

BARBARA J. BRADY
Social Service Director

March 15, 1977

Mr. Pat Murphy
Chairperson of Government Affairs Committee

I would like to thank you for the opportunity you gave us to discuss AB 372. Several items were of concern to some of the committee members that I could not answer regarding Clark County and Las Vegas ordinances. Assemblyman Robinson asked that both ordinances be delivered to the committee and they are enclosed also.

There was a lot of concern over what happens if there were two or more infants and the kind of requirement for the director of such a home. In Clark County, we do not require any extra qualifications for a director of that kind of facility unless there are more than 13 children involved. We also permit up to four children nine months or less, under the care of one person. Between the ages of nine months to eighteen months, we permit one person for every six children and for eighteen months to three years, we permit one person for every eight children. We do not permit a home to have more than four children under the age of two with just a family care license. We have had to deny no requests of people who wanted more than four children under the age of two and have just a family care home.

The City runs theirs much the same as we do. They have sixty homes that are licensed for two infants. They need to have some extra items in the City if they have more than two infants and they have requested some of their homes to take more than two infants, however, at this point, none of these small family care homes want more. Both the City and Henderson require a Public Health nurse to go into the larger centers where small children are once a month, minimum. This has no charge. Clark County has a contract with UNLV to have student nurses under the direction of the School of Nursing go into the larger facilities with toddlers and infants. There is, again, no charge to the provider. As I stated in my comments to the committee, the following costs are required:

- \$30.00 for fire extinguishers
- \$40.00 for smoke detectors
- \$ 7.50 for Business License Division investigation fee and Sheriff's card

These three are one time costs.

- \$ 5.00 for Health Card
- \$20.00 for Business License fee
- \$ 7.25 for Child Liability Insurance

Mr. Pat Murphy

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March 15, 1977

These costs are reoccurring.

I certainly hope that the committee will not pass AB 372 as I feel in an urban area such as Las Vegas, it moves us backward rather than forward. In a time when child abuse is at its highest, we do not need to place more children in a position where there could possibly be any abuse or neglect. If the committee feels that there needs to be some consideration for changes in our ordinances, we will be glad to work with them in this direction.

Sincerely,


(Mrs.) Barbara J. Brady, ACSW
Social Service Director

BJB:md

Child Care Services Division

March 16, 1977

MEMORANDUM

To: Assemblywoman Peggy Westall
Assemblyman Lloyd W. Mann

From: Jane I. Douglas, Administrator
Child Care Services Division

Subject: AB372 additional information

Following Monday's AB372 hearing, I again studied the Washoe Ordinance. As hearing testimony revealed, local ordinances can be more stringent than State regulations.

Mr. Mann, on several occasions you referred to Washoe's Article 19, "Infant and Toddler Nurseries". There are some State-County variations therein which may affect family care/infant-toddler care:

- 1) Washoe counts the family caregiver's own children under 12. The State counts only her pre-school children.
- 2) Washoe requires 2 caregivers for any Infant-Toddler nursery. The State generally exempts Infant-Toddler facilities of six or less children (family care) from the 2 caregiver requirement. (We did this to encourage homes to operate Infant-Toddler nurseries.)
3. Washoe counts 3 or more children under age 2 as an "Infant-Toddler nursery". The State allows 3 children under age 2 in Group Child Care homes (12 or less children usually in a private residence). Washoe also allows the 3 in Group, but this conflicts with their Infant and Toddler definition. The State defines Infant and Toddler as four or more under age 2.

Washoe County has no Infant and Toddler nurseries; perhaps this is because of the above-stated regulations. When this Division began, there were 3 such facilities in Nevada; there are now 12, with a number of people contemplating the idea.



March 16, 1977

Memo

Assemblywoman Westall

Assemblyman Mann

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Despite the reality of working mothers with infants needing care, most licensing entities opposed Infant Care. Again our workshops helped to educate the public and the entities on the need for the full range of services. We also made special allowances for expanding the licensed capacity of each facility to accommodate before and after school care.

Mr. Mann, Las Vegas just recently announced the allowance of family care/Infant Toddler nurseries. They have not yet had applications.

I hope that this additional information will help you in your decision.

Child Care Services Division

March 16, 1977

Assemblyman John E. Jeffrey
Legislative Building
Capitol Complex
Carson City, NV 89710

Dear Assemblyman Jeffrey:

In response to your request in Monday's hearing on AB372, I am enclosing a copy of regulations cost comparisons; the study of basic differences was previously requested by Ways and Means.

Monday's hearing revealed certain costs such as smoke detectors and fire extinguishers. These requirements existed in life-safety and building codes prior to the adoption of the revised regulations; some inspectors were enforcing the codes and some were not.

On behalf of the Child Care Policy Board, the Division, and Nevada's young children, I ask you to vote against AB372.

Thank you for your consideration and interest.

Respectfully,

Jane I. Douglas, Administrator
Child Care Services Division

JID:fmh

Encl:

cc: All Members of the Government Affairs Committee
Roger S. Trounday, Director, Human Resources



Child Care Services Division

February 21, 1977

MEMORANDUM

To: James Kosinski, Chairman
Assembly Ways and Means Human Resources Subcommittee

From: Jane I. Douglas, Administrator, *JID*
Child Care Services Division

Subject: Child Care Facilities Rules, Regulations
As revised since Child Care Division began
(Your Request)

The enclosed regulations preclude verbatim subject comparisons to old regulations; however, the major differences are as follows:

- 1) Article I - Definitions: The old regulations did not define the types of facilities. Definitions were needed to assist building, life safety inspectors, and licensing entities in determining applicable protective codes, child-staff ratios, etc. "Infant and Toddler Nurseries," for example, were not previously allowed by most licensing entities because of lack of service definition, and lack of knowledge of applicable codes.

Definitions were also needed to prohibit misleading advertising by some, as to the actual services provided

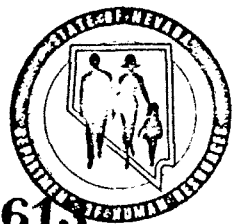
Every licensing entity used a different set of facility definitions; standardizing definitions allowed us to determine the type of services offered the children (please see second memo regarding statistics).

Additional costs: none. Lower costs for family care homes who wanted to specialize in infant care.

2. Article 2 - Licensure: Virtually no difference here, except for requirements upon the licensing entity to investigate complaints.

Additional costs: none

3. Article 3 - Policies and Procedures: This section is almost totally new. It provides protection for the children, the parents, and the providers.



Additional costs: liability insurance was previously required by some entities but not enforced. The provider associations receive group rates. (I'm sure you'll agree that such insurance is necessary for all concerned).

4. Article 4 - Program requirements: All new section except for reduction in outdoor square footage requirements (This has allowed a number of facilities to serve more children). The indoor square footage is a federal code requirement.

The program requirements are as much of a teaching tool as anything. We stayed away from specifying equipment, materials, etc., making it general enough to remind the facilities of children's developmental needs.

I doubt that anyone who "simply wants to babysit", as mentioned by Mr. Serpa, would object to these requirements. As Mr. Serpa acknowledged, there are some "bad" unlicensed situations; the bad ones usually violate most of this Article as well as the nutritional needs of their children.

Additional costs: none

5. Article 5 - Director Qualifications: These are standard qualifications, plus exempting family care homes (which represent the majority of facilities).

Additional costs: none

6. Article 6 - General Staffing Requirements, and Article 7 - Staff-child Ratio Requirements: As with all requirements, these sections were carefully negotiated with parents, providers, child development experts, etc.; but, these sections brought the most heated debates.

Additional costs: none, by average. The previous flat ratio of 1 to 10 was actually more stringent in the facilities where the majority of children are.

7. Article 8 - Personal Health.....Nutrition: This section protects the health of the children in a common sense approach accepted by all.

Additional costs: none, except for those facilities who actually were feeding a diet of crackers and Kool-aid.

8. Article 9 - Environmental Health and Safety: The old regulations detailed how to wash dishes, how many sinks, etc. Many parts of this section were suggested by the providers themselves because of their knowledge of unsanitary sleeping conditions, etc.

Additional costs: Generally less. Our workshops with health inspectors saved new facilities from some expensive commercial kitchen equipment previously required. The bathroom requirements were also reduced.

9. Article 10 - Personal Health, Staff: These requirements are in some ways less stringent than before.

Additional costs: The pre-employment physicals may cost the personnel more in some areas of the State. The licensing entities and Providers Associations have worked with the Division in locating sources for group rates.

10. Article 11 - Building-Life Safety: These sections apply to federal codes, standardized interpretations on a State-wide basis.

Additional costs: Because of inequities in enforcement before, many facilities were paying for equipment not really required; therefore, some facilities will save in not having this problem.

The sprinkler system was being required by some entities for children receiving care in the evening hours. We stretched this federal requirement as far as we could (midnight to 6 a.m.) to accommodate (without the sprinkler system) children of parents working both the 7-3 and the 3-11 shifts.

Additional costs: The same, or less, by average.

11. Article 12 - Other Safety: Most of these sections came from federal life-safety, building codes, plus additions from providers.

Additional costs: On the average, none.

12. Article 13 - Licensing Entity: New section, accepted by all licensing entities; it was felt that licensing entities should also have the burden of accountability.

Additional costs: none, if the licensing entity is doing the job.

13. Article 14 - Infant and Toddler Nurseries: Only one entity previously allowed infant nurseries because of the lack of clear procedures, standards. Prior to the Workshops, there was some feeling against infant care even though there is a demonstrated need. (Each year there are approximately 950 additional children under age 6 with working mothers).

The workshops provided a training forum on the needs of infants. The new regulations now allow family care homes to specialize in infant care (increasing the availability of services).

Additional costs: infant care generally costs more but this does not relate to the regulations. The ratios are reasonable, and we have found ways to use community nursing services to satisfy 14.10.1

Memo
February 21, 1977
James Kosinski
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14. Article 15 - Child Care Institutions: Private institutions were being licensed before with no specific standards. The new ones were developed from other states' standards and reviewed and accepted by the institutions involved.

Additional costs: apparently none, since we used their advice in those areas where costs might be involved.

15. Article 16 - Pre-Schools: No previous specific standards. A number of facilities were advertising pre-school programs which offered little more than additional costs for the parents for the "service".

Additional costs: none

16. Article 17 - Group Recreational Facilities: no previous specific standards for the State. The new ones were developed with the assistance of the existing providers. These facilities are usually for tourists' children; the standards were developed to protect these children.

Additional costs: none

SUMMARY

The regulations have resulted in some savings by reducing the incidence of inequitable enforcements of federal codes. The regulations are designed to protect the children and to clearly define the services for the parents and others.

Child care costs are a problem for all of us, but the minor increases in fees over the years have not been proportionate to inflation, and the increases can not honestly be attributable to the regulations.

The Division has found ways to increase the range of services, and improve the quality of services without costing the parents additional money. We have also been active in encouraging use of Title XX monies; sliding scale fees; regular rates for special children, etc.