

Washoe County Human Services Agency

Regulations for Child Care Facilities

Definitions

SECTION 1 DEFINITIONS

As used in these Regulations, unless the context otherwise requires, the words and terms defined in this Section have the meanings ascribed to them.

- 1.1 Accommodation facility means a child care facility which is operated:
 - A. By a business which is licensed to conduct a business other than the provision of care to children; and
 - B. As an auxiliary service provided for the customers of the primary business.
- 1.2 Agency means Washoe County Human Services Agency.
- 1.3 Agency Director means Director of Washoe County Human Services Agency.
- 1.4 Bleach means standard, unscented, liquid household bleach containing 8.25% sodium hypochlorite with no added soaps or cleaning compounds.
- 1.5 Board means the Board of County Commissioners of Washoe County.
- 1.6 Caregiver/Employee means any natural person 16 years of age or older who meets the qualifications set forth in these Regulations and who is responsible for the direct care, supervision, guidance and education of children in a child care facility. This person renders time and services to a licensee of a child care facility, and whose regular course of duties places that person in a position to:
 - A. Exercise supervisory control over children serviced by a facility;
 - B. Have direct access to or contact with children serviced by the facility; or
 - C. Has access to information or records maintained by the licensee relating to children served by the facility.
- 1.7 Care of ill children facility means a child care facility providing care to only ill children.
- 1.8 Child means a person who has not reached his 18th birthday.
- 1.9 Child care means 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 in any 24-hour period in a child care facility as herein defined.
- 1.10 Child care center means any facility which regularly provides care for 13 or more children, and which is developmentally appropriate for those children.

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1.11 Child care facility means:

- A. Any dwelling or establishment which furnishes care on a temporary or permanent basis, during the day or overnight, to two or more children under 18 years of age, if compensation is received for the care of any of those children; or
- B. An on-site child care facility; or
- C. An outdoor youth program.
- D. Child care facility does not include:
 - 1. The home of a natural parent or guardian, foster home, or maternity home; or
 - 2. A home in which the only children cared for are related to the care provider by blood, adoption, or marriage within the third degree of consanguinity, i.e., child, grandchild, niece, or nephew; or
 - 3. A home in which a person provides care for the children of a friend or neighbor for not more than four weeks if the person who provides care does not regularly engage in that activity.
- E. For the purposes of these regulations a child care facility does not include:
 - 1. Where parents on a mutually cooperative basis exchange care of one another's children; or
 - 2. Care given to children on site while their parents are attending religious services or other recognized instructions or programs not to exceed the duration of the services or programs;
 - 3. A baby-sitting agency licensed by the county or the city; or
 - 4. Day camp or camp type operations serving children who are enrolled to participate in a full-day, required educational program (private or public school) and who conduct their activities off the premises of a child care facility.
 - a. Any child care facility which operates a day camp shall notify, in writing, the parents of children served and the Agency that the day camp operation is not licensed or regulated by the Washoe County Human Services Agency.
 - b. Any advertisement/brochure regarding day camps conducted in conjunction with the child care facility shall indicate program is not licensed by Washoe County Human Services Agency.

1.12 Child care institution has the meaning ascribed to it in NRS 432A.0245.

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- 1.13 Child care systems means an organization of individual child care facilities wherein each facility is associated with a licensed central operator by exclusive contractual agreement which provides for the admission of children and requires the central operator to provide the facility with central services, including consultation, technical assistance, training, supervision, evaluation, and the provision of health and social services or the referral to other persons or entities for health and social services.
- 1.14 Child with special needs means a child who does not function according to expectations appropriate to his age and who regularly requires special assistance or accommodations.
- 1.15 Communicable disease means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.
- *1.16 Comprehensive Background Check means a background check conducted by the State of Nevada comprised of 8 components as specified in 45 CFR 98.43(b)(2) of the Child Care and Development Fund regulations. This includes three in-state background checks, two national background checks, and three interstate background checks.
- 1.17 Consultant/Private Contractor means a person who provides activities in the area of his specialty to enrich the basic program for the children, but is not part of the direct caregiving staff.
- 1.18 Developmentally appropriate care and education means the provision of care or education in a manner that takes into account:
- A. The universal, predictable sequences of child development; and
 - B. The particular sequences of child development of each child cared for in a facility; and
 - C. The principle that children learn best when learning is meaningful to them and is based on “first hand” experiences.
- 1.19 Director means either the licensee or a person appointed by the licensee who is responsible for the daily operation, administration and management of the facility.
- 1.20 Disability level means the group category, i.e. mildly retarded, moderately retarded, or severely retarded, appropriate to the disabled child’s functional level and skill capabilities in the areas of mobility, speech and language, mental/ cognitive, social/emotional, visual, hearing, self-care, and perceptual/motor. A disabled child’s level of disability shall be determined by an appropriate professional’s diagnosis.
- 1.21 Early care and education program means a program in which developmentally appropriate care and education are provided to children based on the ages of the children served and on the type of setting within which that care and education are provided.

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- 1.22 Educational child care institution means a child care institution that is recognized by the Department of Education as providing educational opportunities primarily for privately placed children of school age.
- *1.23 Eligibility Memo means a memo from the State of Nevada Department of Public and Behavioral Health indicating whether or not a person is eligible for employment in a child care facility following the completion of a comprehensive background check.
- 1.24 Excludable disease or condition means a disease or condition requiring exclusion under either Subsection 22.5 or Subsection 26.15 of these Regulations.
- 1.25 Exclusion means the denying admission to and the removal of an ill child, volunteer, caregiver or other staff member from the child care facility.
- 1.26 Extended care accommodation facility means an accommodation facility that:
- A. Provides temporary care to children for an amount of time that is more than 3 ½ hours but is within the limits of time set forth in Section 32 of these Regulations, and;
 - B. Provides such care while the person responsible for placing the child in the extended care accommodation facility remains on the premises of the business establishment which operates the extended care accommodation facility.
- 1.27 Facility means a child care facility.
- 1.28 Facility for special events means a facility which is operated by a business that is licensed to conduct a business other than the provision of care to children, and is located on the premises of a business at which a special event is held.
- A. For the purposes of these Regulations, a facility for special events does not include care to children that is provided in a hotel or motel room or in the private home of a person who is attending a special event.
- 1.29 Family child care home is any facility in an occupied private residence where the licensee resides and care is provided to at least two but not more than six children.
- 1.30 Fever means an oral temperature of greater than or equal to 101°F, or an axillary (armpit) temperature of greater than or equal to 100°F.
- 1.31 Gender identity or expression means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.
- 1.32 Group child care home is any facility in an occupied private residence wherein the licensee resides and regularly provides direct care for no less than seven but no more than 12 children.

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- 1.33 Group size is a specific number of children, distinct from the larger population of children, who are together regularly and interact with each other, and with one or more specific staff members, in an assigned space.
- 1.34 Health Authority means the district health officer of the Washoe County Health District or the health officer's designee.
- 1.35 Health care provider means a physician, nurse, or physician assistant licensed in accordance with state law.
- 1.36 Human Services Agency means Washoe County Human Services Agency.
- 1.37 Individual assessment means an empirical process that determines and documents if, and to what degree, a person has disabilities and what intervention and services are needed to enable the child to move toward increasing independent functioning. The individual assessment identifies the present functional level and skill capabilities of the child; the condition that impedes his development; recommendations for program placement, program adjustments, and related services required by the child; and where possible, the etiology of the disability.
- 1.38 Individual program plan means a written plan of intervention for the child which is developed and modified at frequent intervals. The plan identifies the child's functional status and skill capabilities along a continuum of objectives, and outlines the materials, equipment, techniques and activities which are conducive to successful progression along this continuum.
- 1.39 Infant and toddler nursery is a facility which provides an early care and education program for four or more children under the age of two and which may provide care up to the third birth date. The program has established specific goals to enhance the cognitive, social, emotional, physical and creative development of each child at the facility. 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. Infant and toddler nursery does not include:
- A. Family child care home if the licensee does not provide care to more than four children under two years of age.
 - B. Group child care home if the licensee does not provide care to more than eight children under three years of age.
- 1.40 Institution means a child care institution.
- 1.41 Levels of Physical Activity as defined by NRS 432A.1771:

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- A. “Moderate or vigorous physical activity” means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball and swimming;
 - B. “Sedentary activity” means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.
- 1.42 Licensee means the individual, corporation, partnership, voluntary organization, or other public or private organization ultimately responsible for the development and enforcement of policies, program and procedures of a child care facility and adherence to these Regulations by the facility.
- 1.43 The Nevada Registry means the organization that operates the statewide system of career development and recognition created to:
- A. Acknowledge and encourage professional achievement in the early childhood care and education workforce in the State;
 - B. Establish a professional development system in this State for the field of early childhood care and education;
 - C. Approve and track all informal training in the field of early childhood care and education in this State; and
 - D. Act as a statewide clearinghouse of information concerning the field of early childhood career and education.
- 1.44 NRS means the Nevada Revised Statutes.
- 1.45 Outbreak means the occurrence of cases in a community, geographic region or particular population at a rate in excess of that which is normally expected in the community, geographic region or particular population.
- 1.46 Outdoor youth program means a program for the provision of services, while living outdoors, to persons under 18 years of age who have behavioral problems, problems with mental health or problems with the abuse of alcohol or drugs. The term does not include any facility, activity or program:
- A. Operated by or on behalf of a governmental entity; or
 - B. Licensed by the health division of the County/State.

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- 1.47 Out of School Recreation Program means a recreation program operated or sponsored by a local government or non-government entity and which provides enrichment activities to children of school age:
- A. Before or after school;
 - B. During the summer or other seasonal breaks in the school calendar; or
 - C. Between sessions for children who attend a school which operates on a year-round calendar.
- This term does not include a seasonal or temporary recreation program.
- 1.48 Partial Investigation means, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.
- 1.49 Parent means the child's natural parent, guardian, or any other person or organization legally responsible for the child.
- 1.50 Parent of the Armed Forces of the United States is defined as currently on active duty, died or killed in action while serving honorably on active duty, or reported as prisoner of war or missing in action while serving honorably on active duty. A prisoner of war or missing in action must be within a 180 days of the application of admission to the child care facility.
- 1.51 Person means the singular and the plural and shall include individual persons, partnerships, firms, corporations, or associations.
- 1.52 Private kindergarten means a facility licensed by the State Department of Education. If a kindergarten is a part of a child care facility, the area of the kindergarten must also be licensed by Washoe County Human Services Agency.
- 1.53 Provisional license means a temporary license authorizing facility operation issued when:
- A. There is a change in ownership of the facility; or
 - B. The facility has failed to completely meet all standards mandated by these regulations and agrees to effect the necessary changes.
- A provisional license may be issued at the discretion of the Agency for a maximum of one year and only when no life safety risks, as determined by the Agency, are involved.
- 1.54 Reportable Disease or Condition means a disease or condition listed in Addendum VI of these Regulations.

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- 1.55 Resident of facility is any adult person who lives in the facility or who has access to the children in care by virtue of his physical presence.
- 1.56 Residential child care institution means a child care institution:
- A. Which provides care and psychoeducational services to children who are diagnosed as severely emotionally disturbed (as defined in NRS 433B.045); and
 - B. In which the treatment goals and length of stay of a child are dependent upon the needs of the child with regard to his physical, social, emotional, moral and educational development.
- 1.57 Respite care means temporary or drop-in care for relief of parents, guardians, or foster parents.
- 1.58 Sanitizing agent means the following:
- A. Bleach added to water that is prepared fresh daily and made in accordance with the sanitizing instructions contained in Addendum X; or
 - B. Use of a dishwasher that meets the requirements of Subsection 29.3 (E) (3) (a); or
 - C. Quaternary ammonium and iodine solutions approved by the U.S. Environmental Protection Agency and used in accordance with the manufacturer's directions for sanitizing; or
 - D. Other sanitizing agents approved by the U.S. Environmental Protection Agency and the Health Authority and used in accordance with the manufacturer's directions for sanitizing.
- 1.59 Seasonal or temporary recreation program means a recreation program that is offered to a child for a limited time or duration and may include, without limitation:
- A. A special sports event, which may include, without limitation, a camp, clinic, demonstration or workshop which focuses on a particular sport;
 - B. A therapeutic program for children with disabilities, which may include, without limitation, social activities, outings and other inclusion activities;
 - C. An athletic training program, which may include, without limitation, a baseball or other sports league and exercise instruction; and
 - D. Other special interest programs, which may include, without limitation, an arts and crafts workshop, a theater camp and dance competition.

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- 1.60 Shelter care institution means a child care institution which provides residential care on a 24-hour basis to children who are in the custody of an agency which provides child welfare services (as defined by NRS 432B.030) and who are in need of temporary protection and care.
- 1.61 Special needs facility means a child care facility providing care to children with special needs in which those children comprise 40 percent or more of the total number of children for whom the facility is licensed to provide care.

~~1.60 — Work permit is a sheriff's work permit for child care issued under Washoe County Code Chapter 45.~~