

TO: Governor's Workforce Development Board (GWDB) Childcare Working Group
FR: Chris Bennett, Wonderschool
RE: Nevada Early Childhood Education Learning and Recommendations
DT: August 14, 2024

Summary and Learnings

There are 661 licensed child care programs in the state. Through our partnerships and work over the past several years, roughly 70% of the state licensed providers have used our new program creation product, our CCMS, our coaching modules, and/or our Business Sustainability programs.

With that deep experience within the Nevada-specific provider and partnership lens, we see three (3) main areas of potential opportunity: licensing; regulations and inspections; and stakeholder communication.

Licensing

- We have seen FCCs blocked by HOAs and Landlords, which exacerbates the problem of new program creation.
- We also see extreme delays in licensing - which can take up to six (6) months. Additionally, there is a "pending" period after which all documents have been approved where a final approval is provided by one (1) FTE who reviews every single application.

Regulations

- There are inconsistent regulations for inspections, special use permits, and teacher to student ratios across counties creates a patchwork of rules. This is difficult not only for the providers, but also for the licensing officials.
- The fees associated with licensing can be a reason that a program cannot open. By removing all fees, small businesses will be opened, children will be educated, and parents will return to the workforce, meaning downstream economic impacts within communities.

Communication

- New updates to requirements are not consistently communicated with providers, who learn of these new rules during inspections.
- Delays in licensing and lack of communication regarding applications causes uncertainty for businesses looking to fill enrollments and wait lists.

Recommendations and Best Practices

Our work with providers is national in scope and local in focus. And as such, we have unique insights into what regulations work well and what areas can be streamlined in order to help achieve our mutual goal: to ensure children achieve safe, stable, and healthy lives. You will find recommendations both below and also in Appendix 1: Model Regulations.

Licensing

- Remove the ability for HOAs and landlords to block FCCs from starting in either their Associations or in their rental homes.
- Mandate the review of applications from submission to approval from six (6) months to three (3) months. We see time horizons of sixty to ninety (60-90) days in states such as CA, ID or MI as examples.

Regulations

- Instead of a patchwork of county by county rules, streamline the regulations, including Fire and Planning and Zoning, to make them uniform across Nevada.
- Remove all fees, which are regressive in nature. By doing so, small businesses will be opened, children will be educated, and parents will return to the workforce, creating meaningful downstream economic impacts within communities.

Communication

- Proactively communicate new rules and changes to rules via certified mail and e-mails the department has on file.
- Proactively communicate where the application stands within the department to provide business certainty.

APPENDICES

Appendix 1: Model regulations

Appendix 2: On the ground observations

Appendix 3: Potential Code changes

Appendix 1: Model regulations

1. General Permit and Zoning Requirements

- Small and large family child care homes must be treated as residential homes by cities and counties, exempt from special zoning or business licenses.
- Family daycare homes for children should be situated in normal residential surroundings so as to give children the home environment that is conducive to healthy and safe development.
- Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.
- Every provision in a written instrument relating to real property that purports to restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home is void, and every restriction in that written instrument as to the use or occupancy of the property as a family daycare home is void.
- An attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home is void. A restriction related to the use or occupancy of the property as a family daycare home is void. A property owner or manager shall not refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider.
- The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.
- These provisions do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in this chapter.

2. Restrictions by HOAs and Landlords

- HOAs cannot impose restrictions or different rules due to the operation of a licensed family child care home. Landlords cannot refuse to rent, increase rent, or evict tenants based on their operation of a licensed family child care home.

3. Licensing Process and Location Constraints

- Streamlining the licensing process to not exceed three months, with assistance from organizations like Wonderschool. Family child care homes are permitted in any residentially-zoned area, including various types of housing.
- A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.
- A brief statement confirming that the applicant is financially secure to operate a family daycare home for children. The department shall not require any other specific or detailed financial disclosure.
- Evidence that the small family daycare home contains a fire extinguisher or smoke detector device, or both, that meets standards established by the State Fire Marshal
- Evidence satisfactory to the department that there is a disaster plan for the facility and that fire drills and disaster drills will be conducted at least once every six months. The documentation of these drills shall be maintained at the facility on a form prepared by the department and shall include the date and time of the drills.
- The fingerprints of any applicant of a family daycare home license, and any other adult, as required under current state law.

4. Safety Standards

- Implementation of comprehensive safety protocols including regular safety drills, secure storage of hazardous materials, and child-proofing of all areas.
- A family daycare home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.
- Shall have one or more carbon monoxide detectors in the facility that meet the standards.

5. Child-to-Caregiver Ratios

- Strict adherence to child-to-caregiver ratios ensuring individual attention and safety. Ratios may vary depending on the age group of children. Below is a ratio example:

Adult to Child Ratio (Child Care Centers)		Adult to Child Ratio (Family Day Care Homes)
0-2 years	1 adult : 4 children	1 adult 4 (infants are considered children under the age of 2)
2-6 years	1 adult: 12 children	1 adult: 6 children (may include up to 2 infants) 1 adult (8 children (may include up to 2 infants and must include at least 2 children over the age of 6)
6-14 years	1 adult: 15 children	**Note: Provider's own children under the age of 10 must be included in the adult to child ratio.

6. Health and Hygiene Practices

- Establishment of rigorous hygiene practices including regular handwashing, sanitization of toys and equipment, and illness prevention protocols. Clear guidelines for managing sick children and communicable diseases.

7. Educational Activities

- Structured educational activities suited to different developmental stages, including play-based learning, literacy, numeracy, and social skills. Regular assessment and documentation of each child's development.

8. Nutrition and Meal Planning

- Provision of balanced and nutritious meals and snacks, adhering to dietary guidelines and accommodating special dietary needs. Emphasis on educating children about healthy eating habits.

9. Emergency Procedures

- Establishment of clear and practiced emergency procedures, including evacuation plans, emergency contact information, and first-aid availability. Regular training and drills for staff and children on emergency response.

10. Outdoor Space Requirements

- Nearby playgrounds within five (5) miles is considered suitable.

Appendix 2: On the Ground Notes

1. Licensing:
 - a. Licensing for FCC and Group Childcare requires that you live in a home with a fenced backyard.
 - i. Housing rental and purchase prices are currently very high in Nevada and providers are unable to qualify for mortgages with their current income levels.
 - ii. Most landlords are requiring income that equals 3 x rent and a minimum 600 credit score
 - iii. Lack of supply for rental homes and homes to purchase
 - b. Licensing requires a written approval letter from both landlords and HOA's for FCC and Group Childcare licenses to be approved
 - i. Landlords are unwilling to provide approval for FCC
 - ii. Even if landlords give approval many HOA's will still deny permissions for FCC
 - iii. Homeowners are facing HOA's that deny permissions for FCC as well.
 - c. Delays in reviewing applications and limited number of surveyors to review applications in timely process
 - i. Licensing process is a minimum of 6 months in length. The provider opens up the application and pays the licensing fee. Then there are up to 17 other discrete tasks that the provider must complete and upload evidence of completion. At that time the licensing policy states that a surveyor has up to 6 months to review all documents and assess if a provider is granted a child care license.
 - ii. Once a provider has cleared all inspections and all uploaded documentation is approved, they are given a 30 day pending window to wait for the official licensing approval. (This is when it gets reviewed directly by the head of licensing).
2. New Health and Safety regulations:
 - a. New Health and Safety costs are more prohibitive. Health & safety inspections stay current from July to July. If a provider wants to open their child care in May, they must pay the \$305 in May and then again in July to stay current. There is no prorating allowed. For Washoe County, impacts providers as they previously did not pay for health inspections, as the licensing department completed the checks, providers therefore have a significant increase in annual inspection fees.
3. Fire Inspections:
 - a. Fire Inspections mandate wireless smoke detectors throughout the entire home. If doing 24 hour care, a water sprinkler system is also mandatory for in-home child care programs.
 - b. Inconsistent requirements across counties
4. All Spanish speaking providers must be able to communicate with licensing in English, including uploading all documentation in English. Regulations state that the documentation must be in the language of the customer, yet that does not apply in terms of submitting to the state. All state forms are in English.

5. Communication:

- a. Currently there are new updates, but there has been no communication to the providers. Providers find out upon inspection. Examples include:
 - i. Now providers need a stronger cleaning solution than bleach. Purell sanitizer is ok.
 - ii. Toilet paper must be mounted to the wall. Paper towels do not need to.
 - iii. First aid kit must have an eye wash kit and a flex roll ace bandage.
 - iv. Overnight needs 2" mats covered with the plastic cover on top of cots for overnight care.
- b. Increased the requirement of lesson plans submitted from one week to two weeks and must include activities for all ages served.

Appendix 3: Potential Code Changes

NRS 432A.141: Remove all fees; Renewals should be processed within sixty (60) days to ensure program stability. The renewal process should begin six (6) months prior to expiry date.

NRS 432A.1777: Suggest amending the language based on geographic and proximity to armed forces bases.

NRS 432A.180: A predetermined scheduled time during normal business hours must be included for any inspection. If the inspector(s) do not show up at the scheduled time, a revised time will be scheduled. If the inspector(s) do not show up at the rescheduled time, the licensing department forgoes the right to inspect the premises until the renewal is scheduled.

NRS 432A.200 (2): Change to twenty (20) days to be consistent with subsection (3).