

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF WELFARE AND SUPPORTIVE SERVICES

Helping people. It's who we are and what we do.



Robert Thompson
Administrator

NOTICE OF PUBLIC HEARING

ZION LUTHERAN CHURCH DBA ZION LUTHERAN CHURCH PRESCHOOL, 3205 N. HIGHLAND DRIVE, WINNEMUCCA, NV 89445, IS REQUESTING A VARIANCE, VARIANCE NUMBER 792, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN THAT ZION LUTHERAN CHURCH DBA ZION LUTHERAN CHURCH PRESCHOOL, located at 3205 N. Highland Drive, Winnemucca, NV 89445, has requested a variance from Nevada Administrative Code (NAC) 432A.250.

A public hearing will be conducted on September 5, 2025, at 9:00 am by the Nevada State Board of Health to consider this request. This meeting will be held online and at physical locations, listed below.

Physical Locations:

Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Boulevard; Las Vegas, Nevada 89107

Nevada Division of Public and Behavioral Health (DPBH)
Hearing Room No. 303, 3rd Floor
4150 Technology Way; Carson City, Nevada 89706

Virtual Information:

Meeting Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjVmMTM4MTQtMmYyOC00NmVjLTg4NWQtOTVlZWU1MzUyZGZl%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d

Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.

Join by Phone:

1-775-321-6111

Phone Conference ID Number: 402 212 427#

ZION LUTHERAN CHURCH DBA ZION LUTHERAN CHURCH PRESCHOOL, located at 3205 N. Highland Drive, Winnemucca, NV 89445, is requesting a variance from NAC 432A.250 which states:

NAC 432A.250 states in pertinent part as follows:

1. Except as otherwise provided in this subsection, subsection 3 and NRS 432A.078, in each facility there must be:

(a) At least 35 square feet of indoor space for each child, exclusive of bathrooms, halls, kitchen, stairs, storage spaces, multipurpose rooms and gymnasiums that are not regularly used.

(b) At least 37 1/2 square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. An accommodation facility need not provide outdoor play space.

2. Each facility shall:

(a) Ensure that each room of the facility which is used by children is:

(1) Maintained free of drafts and at a temperature that is not less than 65 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of October through March and at a temperature that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of April through September; and

(2) Heated, cooled and ventilated to maintain the temperatures required in this paragraph and to avoid the accumulation of odors and fumes;

(b) Ensure that electrical devices or electrical apparatuses which are accessible to children are not located near any type of water source, including, without limitation, any sink, tub, shower area or wading pool; and

(c) Install nonflammable barriers, including, without limitation, permanent guards or shields to cover heating units, including, without limitation, hot water heating pipes and baseboard heaters with a surface temperature that is hotter than 100 degrees Fahrenheit, to ensure that those heating units are inaccessible to children.

3. A facility that provides care for ill children must have:

(a) At least 50 square feet of indoor space for each child, as determined by the maximum number of children stated on the license for the facility, exclusive of bathrooms, halls, kitchen, stairs and storage spaces.

(b) A separate ventilation system if the facility is attached to another building.

4. The play area of each facility must:

(a) Be fenced or enclosed in a manner that prevents the unsupervised departure of children from the area;

(b) Have an adequate drainage system;

(c) Be free of hazards, debris and trash;

(d) If it is an outdoor play area, provide, during the months of April through September, a shade area or shade areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children in the outdoor play area;

(e) Have appropriate, as determined by the Division, depths and perimeters of resilient surfacing underneath and surrounding any elevated play equipment;

(f) Have adequate safety barriers around any elevated platforms;

(g) Not have any dangerous or poisonous plants or other vegetative matter located within the boundaries of the play area or in an area that is accessible to children from the play area;

(h) Not be in a location where any bodies of water are accessible to children; and

(i) If it has playground equipment, have only equipment that is:

(1) In good repair;

(2) Designed and constructed to minimize injury;

(3) Compatible with the age of the children in the care of the facility;

(4) Spaced to reduce accidents; and

(5) Securely anchored.

5. If a facility that provides care for ill children is a component of a child care center and provides outdoor play space, the play space must:
- (a) Be separate from the play space for well children;
 - (b) Meet the requirements of paragraph (b) of subsection 1; and
 - (c) Meet the requirements of subsection 4.

See, NAC 432.250.

ZION LUTHERAN CHURCH DBA ZION LUTHERAN CHURCH PRESCHOOL current standards require at least 35 square feet per child of indoor space for each child, exclusive of bathrooms, halls, kitchen, stairs, storage spaces, multipurpose rooms and gymnasiums that are not regularly used. Applicant claims they have operated previously with 10-12 children per classroom with no major incidents. The facility was remeasured in 2024, and it was determined that the space only allowed for 8 children per classroom. This has resulted in a financial strain to the program.

The authority of the State Board of Health to consider and grant a variance from the requirements of a regulation is set forth at NRS 439.200 and NAC 439.200 – 439.280.

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

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

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

This notice has also been posted at the following locations:

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

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