

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES



**7 AAC 57**

## **CHILD CARE FACILITIES LICENSING**



**As Revised Through May 15, 2016**

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# HEALTH AND SOCIAL SERVICES

## Title 7. Health and Social Services.

### Part 4. Children's Services and Juvenile Justice.

#### Chapter 57. Child Care Facilities Licensing.

##### Article

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**Editor's note:** The regulations in this chapter, effective 6/23/2006, and published in Register 178, replace regulations in 4 AAC 62, which were repealed simultaneously with the adoption of this chapter. The history line at the end of each section does not reflect the history of the replaced provisions before 6/23/2006.

#### Article 1. Licensing Process.

##### Section

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**7 AAC 57.010. Applicability.** (a) The provisions of this chapter apply to child care facilities licensed or required to be licensed under AS 47.32.010 and this chapter. A facility regularly providing child care for five or more children who are not relatives of the caregiver may not operate as a child care facility unless the facility

- (1) has a current license issued by the department under this chapter; or

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(2) is exempt under 7 AAC 57.015.

(b) A child care facility

(1) means a place where child care is regularly provided for children after 6:00 a.m. and before 10:00 p.m., unless nighttime care is authorized by the department;

(2) includes a child care center, a child care group home, and a child care home;

(3) includes the physical location of the facility, including any child care entity; in this paragraph, "entity"

(A) means the other parts of the building housing the facility, and adjoining grounds over which the administrator has direct control;

(B) includes the land, vehicles, equipment, supplies, water supply, wastewater system, and plumbing associated with the entity.

(c) If a conflict exists between a general requirement and a specific requirement of this chapter applicable to a particular type or size of child care facility, the specific requirement applies.

(d) The provisions of this chapter apply to a child care facility

(1) during the normal business hours identified on the facility's license application; and

(2) at any time the facility provides child care services outside the facility's normal business hours.

(e) If a person who is required to obtain a child care home or group home license under AS 47.32 and this chapter has failed to obtain a license, and has been informed by the department that the person must obtain a license, that person may continue care of children only with department approval and only for a period not to exceed 30 days.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.020 AS 47.32.030

**7 AAC 57.015. Exemptions from licensure requirements.** (a) The following facilities or programs are exempt from the licensure requirements of AS 47.32 and this chapter:

(1) a facility in which child care is regularly provided and each child's parent is on the premises within reasonable proximity and accessibility to the child;

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(2) a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property, or a facility certified as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard;

(3) a recreational program that allows children to attend but that does not assume responsibility for care of the children;

(4) a daytime therapeutic program of supervised, educational, and rehabilitative services for children with special needs as described in 7 AAC 57.940, or with behavioral problems;

(5) a program whose primary function is educational and that

(A) is certified as a pre-elementary school under AS 14.07.020 and 4 AAC 60;

(B) serves children ages three through five years and, under 4 AAC 60.020, is exempt from 4 AAC 60; or

(C) is operated as a Head Start preschool program required to meet standards established under 42 U.S.C. 9836a;

(6) a temporary facility that provides care for one specific one-time occurrence scheduled for less than five weeks in any 12-month period, including a conference or weekend seminar; for purposes of this paragraph, a temporary facility does not include a day camp or similar facility or program described in (11) of this subsection;

(7) a facility that regularly provides care to four or fewer children who are not relatives of the caregiver; "regularly provides care" means that a child is enrolled for regular care, regardless of whether that child receives full-time or part-time care;

(8) a facility in which the caregiver is a relative of all of the children;

(9) a facility in which the caregiver is caring for a child in the child's own home, regardless of whether the caregiver is a relative of the child;

(10) a public or private elementary school program, kindergarten through grade six, lasting seven or fewer hours each day; the exemption in this paragraph does not apply to child care provided at the school site before or after school;

(11) subject to (b) of this section, a day camp or similar facility or program that

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(A) holds a current accreditation or certification from the American Camping Association or another national accreditation group with standards the department finds are substantially similar to the requirements of this chapter; a facility or program that believes it should be exempt under this paragraph shall submit the standards to the department for review and approval;

(B) provides services for children age five years and older;

(C) operates more than five weeks in any 12-month period; and

(D) operates only during summer, winter, and spring school breaks.

(b) To be exempt from the licensure requirements of AS 47.32 and this chapter under (a)(11) of this section, a facility or program must implement and conduct a fingerprint-based criminal history check that meets or exceeds the standards set in 7 AAC 10.900 - 7 AAC 10.990 for each employee and other individual associated with the facility in a manner described in 7 AAC 10.900(b) . If the facility or program does not conduct fingerprint-based criminal history checks as described in this subsection,

(1) except for the requirements of this chapter dealing with criminal history checks, the department will accept the accreditation or certification standards of the facility or program in lieu of licensing requirements of this chapter; and

(2) the facility or program must meet the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry).

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181**

**Authority:** AS 44.29.020 AS 47.05.340 AS 47.32.010 AS 47.32.020  
AS 47.32.030

**7 AAC 57.020. Voluntary child care licensure; exempt facilities.** The department will not issue a license to a child care facility that is exempt under 7 AAC 57.015(2), (3), (4), (9), (10), or (11).

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.020 AS 47.32.030

**7 AAC 57.025. Compliance and other reviews.** (a) For purposes of determining compliance with and achieving the purposes of AS 47.05.300 - 47.05.990, AS 47.32, 7 AAC 10.900 - 7 AAC 10.990 (barrier crimes, criminal history checks, and centralized registry), 7 AAC 10.1000 - 7 AAC 10.1095 (environmental health and safety), and this chapter, and for

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purposes of ongoing monitoring, the department may conduct inspections and investigations under AS 47.32.060 and 47.32.090 - 47.32.110, including announced or unannounced on-site inspections and investigations under 7 AAC 10.9600 - 7 AAC 10.9620.

(b) In addition to conducting compliance and monitoring reviews described in (a) of this section, the department will

(1) review for completeness a license application or variance request and notify the applicant not later than 10 days after the department receives the application or request of any omission or additional information required;

(2) conduct, not later than 90 days after the department receives a complete application, a pre-service health and safety inspection of the facility for the purposes of compliance for a provisional license;

(3) conduct, not earlier than 90 days before the provisional license expiration date, a compliance inspection of the facility for the purposes of converting a provisional license to a biennial license;

(4) conduct, not earlier than 60 days before and not later than 60 days after the license anniversary date, an annual inspection of the facility for the purposes of monitoring compliance;

(5) conduct, not later than 90 days after the department receives a complete application, a renewal inspection of the facility for the purposes of determining compliance to renew a biennial license;

(6) conduct, annually during each licensing period, an unannounced health and safety inspection of the facility for the purposes of monitoring compliance;

(7) conduct, when the department receives a complaint, an investigation of the facility for the purposes of determining compliance with this chapter or other applicable law; and

(8) except as provided in (c) of this section, issue an updated license not later than 20 days after the department receives and approves a

(A) request for an updated license; or

(B) notice of a change under AS 47.32.200 or 7 AAC 57.240(a) or (b)(4), if the department determines an updated license is required.

(c) The department may extend the time specified in (b)(8) of this section, if the department determines a longer period is needed to obtain additional information or evaluate the effect of a change.

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(d) The child care facility shall give to parents of children in care a summary of the regulatory requirements that apply to the facility and the department's telephone contact number for reporting a concern regarding child care. The department may provide notice of the telephone contact number for reporting child care concerns.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.05.310 AS 47.05.320 AS 47.05.330  
AS 47.05.340 AS 47.32.010 AS 47.32.020 AS 47.32.030  
AS 47.32.060 AS 47.32.090 AS 47.32.100 AS 47.32.110  
AS 47.32.200

**7 AAC 57.030. Application for license; biennial renewal.** (a) If an orientation and pre-service training program is available within 60 miles by road of the facility, an applicant for a license to operate a child care facility under this chapter must attend and complete the program. If the applicant does not complete the required program, the department will suspend processing the application until the requirement is met.

(b) An applicant for a license to operate a child care facility under this chapter shall initiate the application in the name of the individual or legal entity responsible for operation of the facility.

(c) An applicant for a provisional or biennial license under AS 47.32 and this chapter shall submit a completed application on a form supplied by the department and shall provide the following information as applicable to the type of child care facility:

(1) the name, mailing address, telephone number, facsimile number, if any, electronic mail address, if any, and title, if any, of

(A) the applicant; if the applicant is an individual, the application must also include the name, age, and driver's license number, if any, of each member of the individual's household;

(B) each individual who has an ownership or management interest in the facility if the applicant is an agency, corporation, partnership, association, or any other form of organization;

(C) the chief executive officer of the unit or subunit of government, if the applicant is a government agency;

(D) the owner of the property that houses the facility; and

(E) the administrator of the facility or agency;

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(2) the four references required under 7 AAC 57.300(g) for the designated administrator;

(3) the type of facility, and the name, physical location, and mailing address of the facility or agency for which the license is sought;

(4) evidence that the administrator is an adult with sufficient experience, training, or education to fulfill the duties of an administrator;

(5) the signed release of information authorization and other items required under 7 AAC 10.910(b) to request a criminal history check for each individual associated with the child care facility in a manner described in 7 AAC 10.900(b);

(6) the ages of children to receive care in the facility;

(7) the number of children to receive care in the facility;

(8) the hours and days of operation;

(9) a copy of

(A) each fire safety inspection report required by a state or municipal authority responsible for those inspections, and any variance, waiver, or exemption granted by one or more of these authorities; and

(B) each report from an inspection required under 18 AAC 31 (Alaska Food Code), 18 AAC 60 (solid waste management), 18 AAC 72 (wastewater treatment and disposal), or 18 AAC 80 (drinking water); in addition to the report, the applicant must provide any variance, waiver, or exemption granted under those chapters;

(C) a business license as required under AS 43.70; and

(D) any other license, permit, or certificate necessary and as required by the state or a municipality to operate a child care facility;

(10) a request for a general variance from a requirement of AS 47.32 or this chapter, if applicable; a request submitted under this paragraph must comply with 7 AAC 10.9500 - 7 AAC 10.9535;

(11) information regarding any specialization for which approval is requested under 7 AAC 57.800 - 7 AAC 57.810;

(12) a current plan of operation for the facility, including an organizational chart, a staffing chart, other plans, policies, rules, program descriptions, schedules, forms, and



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materials; if these documents were previously submitted to the department, and no changes have occurred, the applicant is not required to resubmit them, but must verify that the previously submitted documents are still current;

(13) a staffing plan that describes the number of people who will work at the facility, staff qualifications, a description of each person's responsibilities, and a supervision schedule for the children in care that meets the requirements of this chapter;

(14) evidence that the applicant has completed any orientation or training required under this chapter;

(15) other information required by the department to enable the department to determine if the applicant meets the requirements of AS 47.32 and this chapter.

(d) An application for a license must include a signed declaration by the applicant, or by a person authorized to submit the application on the applicant's behalf if the applicant is not an individual, that the contents of the application and the information provided with it are true, accurate, and complete.

(e) Except for a biennial renewal application under AS 47.32.060, an application is not complete unless it provides all of the information required by this section. If the application is a biennial renewal application, only attachments that include updated information must be submitted with the application, and any requests for criminal history checks required under 7 AAC 10.910. Subject to 7 AAC 57.035, the department will renew a biennial license if the department finds that the facility

(1) has maintained the facility in good repair;

(2) is in compliance with state fire safety code requirements in 13 AAC 50.025 and 13 AAC 55;

(3) is in compliance with AS 47.05.300 - 47.05.990 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry); and

(4) is in

(A) full compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095 (Environmental Health and Safety), and this chapter; or

(B) substantial compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter, and has implemented a plan of correction, approved by the department, designed to bring the facility or agency into full compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter.

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(f) In a license issued under this chapter, the department will include

- (1) the period of time during which the license is in effect;
- (2) the name of the facility;
- (3) the type of facility;
- (4) the name of the licensee;
- (5) the location and mailing address of the facility;
- (6) the number and age range of children the facility may have in care at any time;
- (7) any conditions imposed by the department;
- (8) any variance granted by the department; and
- (9) the address and telephone number of the department office responsible for administering this chapter, or of any department representative responsible for evaluating the facility under AS 47.32.030 (a)(6) or (7).

(g) A child care facility shall post the license as required by AS 47.32.080.

(h) In this section, "management interest" includes membership on a governing board or body of the child care facility.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

<b>Authority:</b>	AS 44.29.020	AS 47.05.010	AS 47.05.310	AS 47.05.330
	AS 47.05.340	AS 47.32.020	AS 47.32.030	AS 47.32.040
	AS 47.32.050	AS 47.32.060	AS 47.32.080	

**7 AAC 57.035. Grounds for nonrenewal or revocation of license.** (a) For purposes of AS 47.32.050 and 47.32.060, in addition to the ground of violation of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, or this chapter, the department may revoke or decline to renew a license issued under this chapter on one or more of the following grounds:

- (1) the child care facility fails to submit a timely and complete renewal application;
- (2) the licensee, administrator, a member of the licensee's household, or other person associated in a manner described in 7 AAC 10.900(b)

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(A) does not pass a criminal history check conducted under 7 AAC 10.900 - 7 AAC 10.990, unless the department grants a variance under 7 AAC 10.935; or

(B) is charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for a crime or offense listed in 7 AAC 10.905, unless the department grants a variance under 7 AAC 10.935;

(3) the child care facility obtains or attempts to obtain or retain a license under this chapter by fraudulent means, misrepresentation, or by submitting false information;

(4) the department's report of investigation or inspection under AS 47.32.120 concludes that the department has reason to believe that a violation of an applicable statute or regulation has occurred that presents an immediate danger to the health, safety, or welfare of an individual receiving services from the entity;

(5) the child care facility fails to correct a violation noted in a report of investigation provided under AS 47.32 and 7 AAC 10.9600 - 7 AAC 10.9620;

(6) the child care facility fails to comply with a final administrative order issued under AS 47.32.

(b) A child care facility may voluntarily relinquish its license or withdraw an application for renewal.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181**

<b>Authority:</b>	AS 44.29.020	AS 47.05.010	AS 47.05.310	AS 47.05.330
	AS 47.05.340	AS 47.32.020	AS 47.32.030	AS 47.32.040
	AS 47.32.050	AS 47.32.060	AS 47.32.080	AS 47.32.120
	AS 47.32.130	AS 47.32.140		

**7 AAC 57.040. Inspections and evaluations by an individual or agency.** (a) The department may enter into a contract or agreement under AS 47.32.030 (a)(6) or (7) authorizing a qualified individual, private agency, or government agency to inspect and evaluate applicants for a license or renewal of a license under AS 47.32 and this chapter and to monitor facility operations. Through the contract or agreement, the department may authorize the individual or agency to

(1) obtain a completed licensing application or renewal application from the applicant;

(2) inspect and evaluate the proposed facility for compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter;

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(3) request inspections from other state or municipal authorities if inspections are required by applicable regulations or considered necessary by the individual or agency;

(4) submit the application, licensing evaluation, and related reports to the department; and

(5) provide ongoing monitoring for compliance with applicable requirements.

(b) An individual or agency authorized under (a) of this section may recommend that a license be issued, renewed, denied, or revoked. The department will make the final decision. The department will inform the individual or agency of its decision, and will inform the child care facility as applicable under AS 47.32.

(c) An individual or agency authorized under (a) of this section shall immediately report to the department any noncompliance by a child care facility with an applicable requirement of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, or this chapter that may cause risk to the life, health, safety, or welfare of a child in care. The department will evaluate the report and, if the department determines an investigation is warranted, will investigate the matter or delegate the investigation to the individual or agency.

(d) The department may cancel a contract or agreement entered into under (a) of this section after 30 days' notice to the individual or agency if the department determines that the inspections and evaluations of the individual or agency do not adequately reduce risk of harm to children in care.

(e) For the purpose of developing a list of qualified caregivers available in a community, the department may enter into a contract or agreement authorizing an individual or a private or government agency to evaluate whether individuals meet the caregiver qualifications established under 7 AAC 57.310, 7 AAC 57.315, and 7 AAC 57.320.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.020 AS 47.32.030  
AS 47.32.110

**7 AAC 57.045. Delegation and withdrawal of authority to license child care facilities.** (a) The department will delegate its authority to regulate child care facilities to a municipality if the requirements of AS 47.32.030 (b) and this section are met.

(b) A municipality to which licensing powers have been delegated shall investigate, license, and supervise child care facilities within its jurisdiction and shall enforce the applicable provisions of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter unless the municipality grants a variance from one or more of those requirements to a particular child care facility.

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(c) A municipality seeking delegation of the department's authority under AS 47.32.030 (b) shall

(1) specify by ordinance the types of child care facilities subject to licensure and supervision by the municipality;

(2) adopt by ordinance the authority to establish procedures for licensing and enforcement of child care facilities that meet or exceed the standards of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter;

(3) adopt by ordinance the applicable provisions of 7 AAC 10.1000 - 7 AAC 10.1095 and this chapter, except that, where a state statute or regulation is referred to in 7 AAC 10.1000 - 7 AAC 10.1095 or this chapter, the municipality may instead refer to a similar municipal ordinance;

(4) establish licensing and enforcement procedures and submit a copy of those procedures to the department; and

(5) submit a copy of the municipality's child care licensing ordinance to the department with the request for delegation of authority.

(d) To ensure an orderly transition of authority under this section, the department will provide technical assistance to the municipality.

(e) A municipality to which child care licensing authority has been delegated shall maintain individual facility records documenting compliance or noncompliance with the applicable municipal requirements. If requested by the department, the municipality shall allow the department to review the municipality's facility records and conduct onsite compliance evaluations of facilities licensed by the municipality.

(f) The department may withdraw the licensing authority delegated under (a) of this section after 30 days' notice to the municipality if the department determines that the municipality's requirements for child care facilities fail to meet or exceed the applicable requirements of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, or this chapter.

(g) Nothing in this section prohibits a municipality to which licensing authority has been delegated from adopting by ordinance additional child care facility requirements that are more stringent than those set out in AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.020 AS 47.32.030

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**7 AAC 57.050. Self-monitoring reports.** Repealed.

**History:** Eff. 6/23/2006, Register 178; repealed 5/15/2016, Register 218

**7 AAC 57.055. Disclosure of department licensing records.** (a) The department's licensing records for a child care facility are public records unless

(1) otherwise made confidential by AS 47.32.180 or another applicable state or federal law; or

(2) the records are protected by a privilege or principle recognized by the courts.

(b) The department will ensure the security of confidential records by providing

(1) adequate procedures and facilities to protect confidential information from unauthorized access and from accidental or deliberate damage;

(2) procedures for screening, supervising, and disciplining employees to minimize the risk of security violations;

(3) training to employees working with or having access to confidential information; and

(4) a system for encouraging the public to review licensing records that are public records, without disclosing confidential material.

(c) The department will follow the procedures in 2 AAC 96 for disclosure, denial, reconsideration, and appeal regarding agency records for verbal and written requests for licensing records under this section.

(d) Unless provided otherwise by state or federal law, a government agency that provides financing to a facility licensed under this chapter may have access to that facility's records in order to conduct an audit.

**History:** Eff. 6/23/2006, Register 178

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030 AS 47.32.180

**7 AAC 57.060. Request for general variance.** A child care facility may request a general variance from a requirement of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, or this chapter in accordance with 7 AAC 10.9500 - 7 AAC 10.9535.

**History:** Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181

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**Authority:** AS 44.29.020 AS 47.05.310 AS 47.05.320 AS 47.05.340  
AS 47.32.010 AS 47.32.030

### Article 2. Administration.

#### Section

200. Responsibilities of a governing body for a child care facility.

210. Administrator.

220. Child care facility operation and management.

230. Records.

240. Reports.

**7 AAC 57.200. Responsibilities of a governing body for a child care facility.** (a) In a child care facility that is governed by a board or other body, the board or other body shall

(1) determine policy for the operation and management of the facility that meets the applicable requirements of AS 47.05.300 - 47.05.990, AS 47.32, 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry), 7 AAC 10.1000 - 7 AAC 10.1095 (Environmental Health and Safety), and this chapter, and provide for implementation of that policy by an administrator;

(2) adopt a job description that clearly describes the administrator's role and responsibilities;

(3) appoint an individual who is qualified under 7 AAC 57.300 to act as administrator, and to be charged with the active management of the facility;

(4) annually evaluate the administrator's performance;

(5) approve the annual budget of anticipated income and expenses to provide the services described in the statement of purpose and approve or take corrective action on financial audit reports;

(6) conduct at least three meetings each year and maintain minutes of each meeting; and

(7) provide for orientation to new board members and biennial training for each board member on the role and responsibilities of a board member.

(b) If a child care facility is not governed by a board or other body, policy for the operation and management of the facility must be determined by the owner of the facility, or by the administrator if the authority to determine policy is delegated to the administrator by the owner. Implementation of facility policies is the responsibility of the administrator.

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**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181**

**Authority:** AS 44.29.020 AS 47.05.310 AS 47.05.320 AS 47.05.330  
AS 47.05.340 AS 47.32.010 AS 47.32.030

**7 AAC 57.210. Administrator.** (a) The governing body or owner of a child care facility shall designate an administrator qualified under 7 AAC 57.300. The administrator may be the same individual who owns or is otherwise legally responsible for operating the facility.

(b) During periods when the administrator is absent from the facility, the governing body or owner of a child care facility with one or more employees shall designate an onsite adult caregiver who meets the age and qualification requirements of 7 AAC 57.300(a) and (b), and has at least one year of child care experience, to act on behalf of the administrator in the administrator's absence. The designated caregiver may be a child care associate qualified under 7 AAC 57.330. If the administrator is absent for three consecutive weeks or longer, the child care facility governing body or owner shall designate a child care associate qualified under 7 AAC 57.330 to act on behalf of the administrator.

(c) Unless the governing body or owner of a child care facility has previously designated an onsite child care associate who is qualified under 7 AAC 57.330, the administrator may be responsible for no more than two child care facilities and must be onsite during daytime hours while the facility is providing child care as follows:

(1) at least 20 hours per week for a full-day or 24-hour child care facility;

(2) at least 10 hours per week for a program that provides child care during daytime hours only, and that provides child care for five or fewer hours per day.

(d) The governing body or owner of a child care facility may not operate an additional business on the premises during the hours the facility provides child care services, if customers of the additional business would have access to the child care facility or would interrupt the supervision of children in care.

(e) In this section, "daytime hours" means the hours between 6:00 a.m. and 10:00 p.m.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.220. Child care facility operation and management.** (a) A child care facility with one or more employees shall provide personnel policies to those employees when they start employment at the facility. The personnel policies must include, as applicable,

(1) personnel qualifications;



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(2) the job description applicable to each employee; and

(3) procedures for annual evaluation.

(b) The governing body or owner of a child care facility shall, either directly or by delegation to the administrator,

(1) provide for screening, scheduling, and supervising of employees and others who provide services in the facility;

(2) in a child care center, schedule work hours so that an administrator or the administrator's designee is on-site and available to staff, parents, and children while children are present at the facility; in a child care center that serves fewer than 30 children, the governing body or owner of a child care facility shall, either directly or by delegation to the administrator, schedule work so that either an administrator or child care associate is on-site and available to staff, parents, and children while children are present at the facility;

(3) ensure that each individual associated with the facility in a manner described in 7 AAC 10.900(b) has a valid criminal history check under 7 AAC 10.910(h) before employment or other service unless the department has granted a provisional valid criminal history check under 7 AAC 10.920 or a variance under 7 AAC 10.935;

(4) remove an employee or other caregiver from contact with children when the administrator has reason to believe that the employee or other caregiver

(A) has abused a child or furnished a child with alcohol, tobacco, marijuana, or a controlled substance; or

(B) is in violation of 7 AAC 57.310(b) or 7 AAC 57.315; and

(5) ensure that the ability of an employee or other caregiver to perform assigned duties is not impaired by alcohol, marijuana, or a controlled substance while that person is in contact with children or is performing other job responsibilities.

(c) Subject to the applicable provisions of 7 AAC 10.900 - 7 AAC 10.990, if the department directs a child care facility to take action under (b)(4) of this section, the department will inform the individual of the grounds for removal and provide the individual with an opportunity to bring to the department's attention any facts the individual believes are pertinent. The department will excuse or delay notification to the individual if the department determines that notification may put children at risk of harm. The department will not provide the individual with any information that is confidential under law or that may put children at risk of harm. If termination of association is required under 7 AAC 10.900 - 7 AAC 10.990, the provisions of 7 AAC 10.960 apply.

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(d) A child care facility shall adopt and compile facility policies, procedures, program descriptions, and forms, as applicable, into a policies and procedures manual. The child care facility shall make the manual available to employees and other individuals associated with the facility in a manner described in 7 AAC 10.900(b) , and to the department upon request.

(e) A child care facility's practices, and the practices of the facility's employees or other individuals associated with the facility in a manner described in 7 AAC 10.900(b) , must conform to applicable statutes, 7 AAC 10.1000 - 7 AAC 10.1095, this chapter, and the facility's policies and procedures manual.

(f) In this section, "controlled substance" means a drug, substance, or immediate precursor included in the schedules set out in AS 11.71.140 - 11.71.190.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.05.310 AS 47.05.320 AS 47.05.330  
AS 47.05.340 AS 47.32.010 AS 47.32.030

**7 AAC 57.230. Records.** (a) A child care facility shall

(1) create written records necessary to demonstrate compliance with the applicable requirements of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter;

(2) retain records created under (1) of this subsection for at least three years from the date of each record's creation; and

(3) permit the department to review records, including personnel and evaluation records and applicable portions of board or other governing body minutes, to determine compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter.

(b) A child care facility shall maintain records on forms prescribed by the department or alternate forms that contain the same elements of the prescribed forms.

(c) A child care facility shall maintain the confidentiality of information about a child and the child's family.

(d) A child care facility shall maintain personnel records for employees and caregivers. For employees, these records must include starting and ending dates of employment, application materials, annual and interim performance evaluations, orientation and training documentation, and personnel action memoranda of commendation or reprimand. For other caregivers, records may be limited to starting and ending dates of service, application materials, and an evaluation notation.

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**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030 AS 47.32.180

**7 AAC 57.240. Reports.** (a) In addition to the notice of changes required by AS 47.32.200, and the notification requirements of 7 AAC 10.925, a child care facility shall report to the department

(1) within 14 days, the addition, for 45 or more days in a 12-month period, of a member of the licensee's household; and

(2) not later than 30 days before one of the following planned changes is expected to occur:

(A) a change in the person operating the facility;

(B) a change in the name of the person operating the facility;

(C) a change in the name of the facility;

(D) a change of administrator;

(E) a change in the age of children served;

(F) a change in the number of children in care authorized by the facility's license;

(G) a change in hours of operation;

(H) the deletion or addition of a specialization under 7 AAC 57.800 - 7 AAC 57.810;

(3) the permanent departure of an individual, age 16 or older, associated with a child care facility in a manner described in 7 AAC 10.900(b); and

(4) a change in the plan of operation or other information included in the application submitted under 7 AAC 57.030.

(b) A child care facility shall immediately report to the department the following occurrences in the facility:

(1) the death of a child while in care;

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(2) a serious injury or illness of a child while in care that requires attention by medical personnel outside of the facility;

(3) a fire or other emergency situation that affects the facility, reported as required by 7 AAC 10.1010(i);

(4) an unplanned change in any occurrence listed in (a) of this section.

(c) A child care facility shall immediately report the following incidents involving a child in care to the child's parent:

(1) the death of a child while in care;

(2) an injury or illness of a child in care that requires attention by medical personnel outside of the facility;

(3) the exposure of a child to a contagious condition such as lice or scabies or to a communicable disease other than a cold.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020      AS 47.05.310      AS 47.05.330      AS 47.32.010  
AS 47.32.030      AS 47.32.200

### Article 3. Personnel.

#### Section

300. Qualifications of an administrator.

305. (Repealed).

310. Qualifications and responsibilities of employees and other individuals in a child care facility.

315. Child protection and criminal history check requirements.

320. Caregiver age requirements and additional qualifications for adolescent caregivers.

330. Additional employee qualifications for child care centers.

340. Supervision of employees.

350. Orientation and training.

**7 AAC 57.300. Qualifications of an administrator.** (a) The administrator of a child care center, child care group home, or child care home must be at least 21 years of age.

(b) An administrator must

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(1) have an understanding of the development of children;

(2) have the ability to care for children; and

(3) have the skills to work with children, family members, department staff, community agencies, and, if applicable, staff of the child care facility.

(4) have the skills necessary to handle finances and plan and evaluate programs.

(c) The administrator of a child care center or child care group home must have the management and supervisory skills necessary to select and supervise personnel, including delegation of responsibility and motivation of staff.

(d) The administrator of a child care center must have at least 12 semester hours of college credit in early childhood development, child development, child psychology, or the equivalent, or must hold either a current child development associate (CDA) credential from the Council for Early Childhood Professional Recognition or a Montessori certificate issued by a program accredited by the Montessori Accreditation Commission for Teacher Education. College credit in management may substitute for three of the 12 required hours. The administrator of a child care center for school-age children may substitute relevant college courses, except that at least three semester hours of college credit in child development are required.

(e) An administrator with a bachelor's degree in early child development, child development, child psychology, or the equivalent shall meet the training requirements under 7 AAC 57.350(f). An administrator without a bachelor's degree in early child development, child development, child psychology, or the equivalent, in addition to the qualifying education under (d) of this section, shall participate in continuing education by obtaining at least three semester hours of college credit in courses relevant to child care and development every two years. The training hours under 7 AAC 57.350(f) may substitute for the three semester hours required for an administrator without a bachelor's degree in early child development, child development, child psychology, or the equivalent.

(f) In addition to the requirements of this section, an administrator must meet the applicable caregiver qualifications for the type of child care facility as set out in 7 AAC 57.310.

(g) The designated administrator shall submit to the department the names, mailing addresses, and telephone numbers of four individuals, at least three of whom are unrelated to the designated administrator, who can provide references attesting to the designated administrator's good character, reputation, interpersonal skills and, if applicable, professional skills.

(h) The department will assess the qualifications of the designated administrator. If the review shows that person is not qualified under this section, the department will inform the child

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care facility that the person may not serve as an administrator and that the facility's license is subject to denial or revocation unless a qualified administrator is designated within 30 days.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.305. Individual in contact with children in care.** Repealed.

**History: Eff. 6/23/2006, Register 178; repealed 2/9/2007, Register 181**

**7 AAC 57.310. Qualifications and responsibilities of employees and other individuals in a child care facility.** (a) An individual associated with a child care facility in a manner described in 7 AAC 10.900(b) must be a responsible individual of reputable character who exercises sound judgment.

(b) An individual associated with a child care facility in a manner described in 7 AAC 10.900(b) is subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry). In addition, an individual may not work, with or without compensation, or reside in a child care facility or in any other part of the premises that house a child care facility, if the individual has the opportunity to gain access to the facility and

(1) the individual's name appears on the centralized registry established under 7 AAC 10.955;

(2) the individual has a physical health problem, behavioral health problem, or domestic violence problem that poses a significant risk to the health, safety, or welfare of children in care; or

(3) the individual was the subject of a final adverse licensing action under AS 47.32.130 or 47.32.140(d)(5), (6), (7), or (9).

(c) A caregiver must be able to

(1) communicate daily or on an ongoing basis with parents regarding their children's care, their children's needs, and when concerns or issues arise;

(2) allow parental visits and encourage parental involvement;

(3) demonstrate respect for each child in care and the child's family;

(4) support behavior of children with positive guidance and set clear and consistent limits to promote the children's ability for self-discipline;

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(5) provide children with a variety of age-appropriate learning and social experiences;

(6) demonstrate a positive attitude toward bottle weaning, diapering, toilet learning, and individual needs of children;

(7) respond appropriately to a child's needs, including responding to a baby's cry as promptly and effectively as possible;

(8) prevent exposure of children to high risk situations, including exposure to physical hazards and encounters with individuals or animals posing a possible danger;

(9) use strategies to prevent a child's aggressive behavior and to de-escalate volatile situations;

(10) act as a positive role model for children, especially with regard to respecting the feelings and rights of others; and

(11) provide an environment that respects the gender, culture, ethnicity, family composition, and special emotional, cognitive, and developmental needs of each child.

(d) A child care facility with one or more employees or other caregivers shall obtain a completed application for employment or other work from each prospective employee or caregiver before allowing the applicant to have contact with children in care. The completed application must provide the information necessary to determine whether the applicant has the qualifications required under this section. In addition, the facility shall obtain at least three written references on a prospective employee, at least two of which are from individuals unrelated to the applicant, and at least one reference on any other caregiver, from someone unrelated to the caregiver. A reference must

(1) be received directly by the child care facility from the individual making the reference;

(2) attest to the prospective employee's or other individual's ability to work successfully with children, act as a positive role model for children, and otherwise meet the requirements of this section; and

(3) if taken by telephone, be recorded immediately by written notes, dated and signed by the individual taking the reference.

(e) For purposes of this section, the department will not consider an individual in a child care facility to lack contact with children in the facility merely because the facility supervises or agrees to supervise that individual.

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(f) In this section, "abuse, neglect, or exploitation of a child" has the meaning given the term "child abuse or neglect" in AS 47.17.290.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

<b>Authority:</b>	AS 44.29.020	AS 47.05.310	AS 47.05.320	AS 47.05.330
	AS 47.05.340	AS 47.32.010	AS 47.32.020	AS 47.32.030
	AS 47.32.130	AS 47.32.140		

**7 AAC 57.315. Child protection and criminal history check requirements.** (a) An individual associated with a child care facility in a manner described in 7 AAC 10.900(b) is subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry).

(b) A child care facility and the department may require that an individual associated with a child care facility in a manner described in 7 AAC 10.900(b) provide an evaluation from a probation officer, health professional, or mental health professional affirming that the individual is free from problems that might pose a significant risk to the health, safety, or welfare of a child in the facility.

(c) A child care facility shall ensure that individuals in the facility do not abuse or neglect a child in its care or engage in an exploitive or sexual act with a child in its care.

(d) In addition to the criminal history check required under 7 AAC 10.900 - 7 AAC 10.990, the department may review the following available records of each caregiver, employee, and other individual, age 16 or older, who is associated with a child care facility in a manner described in 7 AAC 10.900(b):

- (1) child protection records;
- (2) an evaluation, if requested under (b) of this section;
- (3) child care licensing records.

(e) An individual seeking to be licensed or to remain licensed as the owner of a child care facility shall submit to the department the signed release of information authorization and other items required to request a criminal history check under 7 AAC 10.910 for each person for whom a criminal history check is required under AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181**



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**Authority:** AS 44.29.020 AS 47.05.300 AS 47.05.310 AS 47.05.320  
AS 47.05.330 AS 47.05.340 AS 47.32.010 AS 47.32.020  
AS 47.32.030

**7 AAC 57.320. Caregiver age requirements and additional qualifications for adolescent caregivers.** A caregiver in a child care facility must be at least 18 years of age to be counted toward meeting the child-to-caregiver ratio requirements of 7 AAC 57.505, except that in a child care center a caregiver at least 16 years of age and younger than 18 years of age may be counted if

- (1) the caregiver has completed a child care training course or has demonstrated competency in child care to the administrator's satisfaction;
- (2) the caregiver works under supervision of an adult caregiver;
- (3) the caregiver works within sight or sound of an adult caregiver; and
- (4) caregivers younger than 18 years of age make up no more than one-fourth of the total caregiving staff on duty.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.330. Additional employee qualifications for child care centers.** (a) A child care center shall have at least one child care associate on-site and available for each 30 children who are present at the child care center. Each child care associate must be designated on a form prescribed by the department.

(b) A child care associate must meet the age requirements, qualifications, and college credit, CDA or Montessori credential, and continuing education requirements for an administrator under 7 AAC 57.300(a) , (b), (d), and (e).

(c) A child care center may designate an on-site administrator to serve in the role of a child care associate for the first 30 children who are present at the child care center.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.340. Supervision of employees.** A child care facility with one or more employees shall ensure that an inexperienced caregiver is supervised by an experienced caregiver until the inexperienced caregiver is able to safeguard the health, safety, and welfare of the children in care.

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**History:** Eff. 6/23/2006, Register 178

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.350. Orientation and training.** (a) A child care facility with one or more employees shall provide an orientation to each caregiver that relates to the caregiver's duties and responsibilities and that includes

- (1) the facility's policies and procedures;
- (2) where appropriate, satisfying the individual needs of children;
- (3) emergency procedures and health and safety measures; and

(4) the applicable requirements of 7 AAC 10.1000 - 7 AAC 10.1095 and 7 AAC 57.005 - 7 AAC 57.810.

(b) The orientation required in (a) of this section must begin at the time of employment, or the effective date of a contract for a caregiver under contract, and must be completed within eight weeks.

(c) Training hours required in this section are clock hours and, except as provided in (d) of this section, may include any training relevant to the caregiver's responsibilities, including health and safety, child growth and development, planning learning activities, guidance and discipline techniques, linkages with community services, communication and relations with families, and detecting and reporting child abuse and neglect. Training must be documented. Documentation must include the date, subject, method of training, duration, and the name of the individual who conducted the training.

(d) A child care facility shall ensure that each caregiver who provides care for infants and toddlers receives at least one hour of training during the first year of employment, and at least one hour every two years thereafter. Training under this subsection must include

- (1) recognizing and preventing shaken baby syndrome;
- (2) preventing sudden infant death syndrome; and
- (3) identifying infant and toddler developmental levels and needs.

(e) Except when a substitute caregiver is providing care in a child care home for a period of 30 days or less, a child care facility shall have on duty at all times at least one caregiver with valid certification for first aid and age-appropriate cardiopulmonary resuscitation (CPR), unless the courses for these certifications are not available within 60 miles by road of the facility. A currently certified emergency medical or trauma technician on duty at the child care facility

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satisfies the requirements of this subsection. If certification courses are not available, the facility shall ensure that sufficient caregivers to satisfy the requirements of this section, and that at least one caregiver on duty,

(1) is instructed in first aid and age-appropriate CPR procedures through distance learning training videos and other materials approved by the department; and

(2) completes and passes the first available first aid and CPR certification course offered within 60 miles by road of the facility.

(f) Except as provided in the training requirements of 7 AAC 57.300 for the administrator, and of 7 AAC 57.330 for a child care associate, a child care center, child care group home, or child care home shall ensure that each administrator, child care associate, and caregiver receives at least 24 hours of training relevant to child care and development each year, based on the individual's hire date with the facility. The 24 hours must be in addition to the orientation required under (a) of this section and the training in first aid and CPR required under (e) of this section. The annual training requirements of this subsection may be satisfied each year by obtaining college credit relevant to child care and development.

(g) Repealed 5/15/2016.

(h) Repealed 5/15/2016.

(i) In addition to meeting the requirements of (a) and (b) of this section, a part-time caregiver working 15 hours or less a week shall complete at least 12 hours of training relevant to child care and development each year, based on the individual's hire date with the facility. The annual training requirements of this subsection may be satisfied each year by obtaining college credit relevant to child care and development.

(j) An administrator, child care associate, or caregiver may count orientation and pre-service training hours required under 7 AAC 57.030(a) that exceed six hours toward training hours required under (f) of this section.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

### Article 4. Admission.

#### Section

400. Admission and planning for care.

410. Information for parents.

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### **7 AAC 57.400. Admission and planning for care.** (a) A child care facility shall

(1) at or before a child's admission to the facility, obtain emergency information about the child from the child's parent, including

(A) information about any drug or other allergies;

(B) information about any medication the child is taking or medical or other treatment the child requires;

(C) information on how to contact the child's parent and at least one other local emergency contact individual;

(D) permission slips for emergency transport to health care facilities and for the provision of emergency care, signed by the parent;

(E) permission for emergency treatment, signed by the parent; and

(F) a hospital and physician of choice as designated by the parent;

(2) maintain the information on a form supplied by the department; and

(3) review and update information obtained under (1) of this subsection at least semi-annually, or more often if a parent provides changed or additional information.

(b) A child care facility may not admit a child if the child's admission would place the facility beyond the conditions of the facility's license.

(c) At or before the admission to a child care facility of a child who is identified as having special needs under 7 AAC 57.940, the facility shall collaborate with the child's parent in developing and implementing a plan of care for the child. The plan of care

(1) must be approved by the parent and the caregiver responsible for the care of the child and must be signed and dated by the parent, the caregiver, the facility coordinator for special needs children, if any, and the administrator;

(2) must be based on the following information, to the extent that the parent consents, in writing, to disclose the information:

(A) results of medical and developmental examinations;

(B) assessments of the child's cognitive functioning or current overall functioning;

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(C) evaluations of the family's needs, concerns, and priorities;

(D) the child's individualized family service plan (IFSP) developed under 4 AAC 52.142 or individualized education program (IEP) developed under 4 AAC 52.140, if any;

(E) other evaluations as needed;

(3) must address any specific services the child care facility will provide in functional outcome objectives, and the designated responsibility for provision and financing;

(4) must list any additional services, including educational or therapeutic services, the child is receiving from other service providers, and must identify the providers of those services; and

(5) may contain permission from the parent for the child care facility to contact providers of additional services and the child's IFSP coordinator, if any.

(d) A child care facility shall review information provided about a child under (c) of this section in order to determine whether the facility can satisfy the child's needs. If, after reviewing that information and the application, the facility determines it can satisfy the child's needs, the facility may admit the child. If the facility has reason to believe that, even with reasonable accommodation, the facility cannot meet the child's needs, the facility may deny admission to the child.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020      AS 47.32.010      AS 47.32.030

**7 AAC 57.410. Information for parents.** At or before a child's admission, a child care facility shall supply a parent with the following information in writing:

(1) enrollment requirements and procedures;

(2) fees and payment requirements;

(3) hours and days of operation, including holidays;

(4) in a child care center, a summary of the plan for supervision required by 7 AAC 57.500;

(5) number and ages of children served;

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(6) policy and provisions for ill children, including parent or guardian permission for medication, if applicable;

(7) a typical daily schedule of activities for each age group of children in care;

(8) television and movie viewing, video games, and computer use policy in compliance with 7 AAC 57.520(a) (3) and (4);

(9) behavior guidance practices in compliance with 7 AAC 57.535;

(10) cold weather outdoor play policy;

(11) a list of examples of meals and snacks served;

(12) parental permission policy for activities away from the facility;

(13) transportation arrangements, if any;

(14) parental access and visiting policy;

(15) the use of substitute, emergency, and volunteer caregivers;

(16) information provided by the department about the parent's role to help ensure a reasonably safe and developmentally appropriate environment, and about the complaint investigation role of the department, and contact information for the nearest department office;

(17) parent notification policy on significant changes in the information addressed in this subsection.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020                      AS 47.32.010                      AS 47.32.030

### Article 5. Care and Services.

#### Section

500. Supervision of children.

505. Child-to-caregiver ratios.

510. Maximum group size in child care centers.

520. Program.

535. Behavior guidance.

540. Medications.

545. Reducing the spread of disease.

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550. Health.

560. Nutrition.

565. Transportation.

**7 AAC 57.500. Supervision of children.** (a) A child care facility shall ensure that the children in its care receive responsible supervision appropriate to their age and developmental needs. A child care facility shall create a staffing plan, if applicable, and a plan for supervision of children. In its plan for supervision, a child care center shall include indoor, outdoor, and high-risk area supervision, caregiver-to-child ratios, field trips, and a description of the way in which the requirements of (b) of this section will be met.

(b) A child care facility shall ensure that children are always under supervision by a caregiver, except when providing a degree of freedom to a school-age child appropriate to the child's age and developmental level. A school-age child is permitted to participate in activities and visit friends away from the child care facility's premises as approved by the child's parents and the child care facility. The facility shall document this approval under (j) of this section.

(c) A child care center shall ensure that

(1) children are supervised at all times, including when the children are sleeping;

(2) caregivers are within the same room as and within sight or sound of children, except as permitted by (d)(2) of this section;

(3) caregivers know the whereabouts of the children in their care at all times.

(d) A child care center shall ensure that a napping room is used solely for napping during naptime. The area may be used for other purposes at other times of the day. The child care center shall ensure that when the room is used for napping, the room is

(1) staffed with at least one caregiver; in addition, the following requirements apply:

(A) the caregiver who is staffing the napping room must be able to summon help without leaving the room;

(B) other caregivers who are included in the caregiver-to-child ratio required by 7 AAC 57.505 for children in the napping room must be on the same floor as the napping room and able to access the napping room easily, if summoned to help;

(C) if all children are sleeping, the ratio requirement may be changed to twice the number of children per caregiver, based on the youngest child in the group; or

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(2) monitored at least every 15 minutes by a caregiver who enters the room to check on the children; if the child care center follows this procedure instead of the procedure in (1) of this subsection, all children must be completely visible through a door or windowed partition, and the napping room must

(A) adjoin another room where staff within ratio requirements is always present and have no barrier to helping children in the napping room;

(B) be easily accessible from the adjoining room;

(C) have sufficient light to view each sleeping child from the door or windowed partition; and

(D) have one or more sound monitoring devices so that staff in the adjoining room can hear the children.

(e) A child care home or group home shall ensure that

(1) children are supervised at all times, even when the children are sleeping;

(2) caregivers are on the same floor of the facility as infants and toddlers in care and other children requiring closer supervision, unless infants and toddlers are sleeping on a different level and sound monitoring devices are used to hear sleeping children;

(3) caregivers are within sight or sound of children in care, including when the children are sleeping; and

(4) caregivers know the whereabouts of the children in care at all times.

(f) A child care facility shall maintain caregiver and child attendance records that reflect the time caregivers are present and children are in care.

(g) A caregiver in a child care facility may participate in duties other than direct care of children and be counted toward the caregiver-to-child ratios required under 7 AAC 57.505 if the caregiver remains on duty and the caregiver's primary responsibility continues to be the direct care and supervision of children. However, child care facility staff counted toward caregiver-to-child ratio requirements must be awake at all times during which they are counted unless five or fewer children, including the caregiver's own children under 18 years of age, are in care during nighttime care.

(h) A child care home and a child care group home shall designate an adult who is known by the home caregiver to be of good character, and is available to assist in case of serious illness, accident, or other emergency. If this adult assists only in emergency situations for a part of the



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day during the emergency, the caregiver qualifications set out in 7 AAC 57.310 and the ability to administer first aid and CPR in a child care facility do not apply to that individual.

(i) A child care facility shall prevent exposure of children to individuals, animals, and situations posing a possible danger. A child care facility may not allow a child to participate in a high-risk activity, including

(1) use of a mobile infant walker;

(2) a young child walking along a river edge; or

(3) a child of any age

(A) riding a motorized all-terrain vehicle or snowmobile;

(B) playing near any body of water or playing with propelled objects without constant supervision;

(C) boating without a personal flotation device or in dangerous water conditions; or

(D) playing on or near or jumping on any type of trampoline.

(j) A child care facility shall

(1) document permission from the parent for a school-age child to participate in activities and visit friends off premises;

(2) obtain permission from the parent for a child to participate in moderate risk activities, such as swimming, walks to the beach, or vehicle trips; and

(3) arrange for the use of appropriate safety equipment, including a well-fitting helmet for activities such as rollerblading or bicycle, skateboard, or scooter riding.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.505. Child-to-caregiver ratios.** (a) For child care homes,

(1) the home shall have at least one caregiver, who may also be the administrator, and may provide care for not more than a total of eight children younger than 13 years of age, including the caregiver's children younger than 13 years of age; and

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(2) of the total children in care, not more than three of the total may be younger than 30 months of age, and not more than two of the total may be nonambulatory.

(b) For child care group homes,

(1) except as provided under (3) of this subsection, a child care group home shall have at least two caregivers, one of which must be the administrator, and may provide care for not more than a total of 12 children younger than 13 years of age, including the caregiver's children;

(2) of the total children in care, not more than five of the total may be younger than 30 months of age, and not more than four of the total may be nonambulatory;

(3) only one caregiver is required if

(A) the caregiver is either the administrator or the administrator's designee, with one year of licensed home child care or the equivalent, or if the credential requirements of 7 AAC 57.300(d) are met; and

(B) the total number of children in care

(i) consists only of children of school age, including the caregiver's children younger than 13 years of age; or

(ii) is 10 or fewer, including the caregiver's children younger than 13 years of age, none of the total is younger than 30 months of age, and not more than two of the total are nonambulatory;

(4) notwithstanding (3) of this subsection, if on any given day a child care group home is caring for eight or fewer children younger than 13 years of age, including the caregiver's children, if not more than three of the total are younger than 30 months of age, and if not more than two of the total are nonambulatory, the child care group home may staff the facility with one caregiver.

(c) For a child care center,

(1) during all hours of operation, the following child-to-caregiver ratio and maximum group size shall be maintained:

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### Age of Children Number of Term for Child's Number of Maximum Group Size

Age of Children	Number of Children	Term for Child's Age Group	Number of Caregivers	Maximum Group Size, Ratio of Children to Caregivers
Through 18 months	5	Infants	1	10:2
19 to 36 months	6	Toddlers	1	12:2
3 and 4 years	10	Preschoolers	1	20:2
5 and 6 years	14	Kindergartners	1	28:2
7 through 12 years	18	School age	1	36:2

(2) maximum group size must be consistent with the requirements of 7 AAC 57.510;

(3) the child-to-caregiver ratios must be consistent with the age of the majority of the children when kindergartners and school-age children are in a mixed age group; and

(4) the child-to-caregiver ratios for the youngest child apply when infants, toddlers, and preschoolers are in a mixed age group.

(d) For purposes of meeting the child-to-caregiver ratio requirements in this section for all facility types, a child in care who is 13 years of age or older must be counted as a child younger than 13 years of age who is school age.

(e) In this section,

(1) "nonambulatory" means not physically or mentally capable of achieving mobility to exit a building without the aid of another individual;

(2) "school age " means 7 through 12 years of age;

(3) "total" means the total number of children in care at any time.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.510. Maximum group size in child care centers.** (a) A child care center shall organize its learning environment so that children may participate in activities individually and in small groups, so that the development of each child is supported.

(b) A child care center shall provide environmental cues to children to indicate an interest or activity center and to facilitate a limited number of children at the interest or activity center. Environmental cues include the use of visible barriers, partitions, colored rugs, and tables with a limited number of chairs.

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(c) A child care center shall assign one or two primary caregivers to each child. The child care center shall provide each primary caregiver with information about the child's habits, interests, progress, and special problems, if any, and shall assign the primary caregiver responsibility for knowing that information.

(d) A child care center shall assign each primary caregiver and that caregiver's designated children to a room or area of a room as a home base even though the children in the group may move to a number of areas in the child care center for daily activities.

(e) Maximum group size at any one time during the day may not exceed twice the maximum number of children allowed per caregiver as required by the child-to-caregiver ratio in 7 AAC 57.505(c). Enough caregivers must be physically present at all times with each group to maintain the maximum number of children per caregiver as required by the child-to-caregiver ratio in 7 AAC 57.505(c).

(f) If a group of children contains a combination of age groups, or if age groups are combined, the maximum group size at any one time during the day may not exceed twice the maximum number of children allowed under the child-to-caregiver ratio in 7 AAC 57.505(c) for the youngest child within the group. However, if no more than one child who is 30 months of age or older receives care in a group in which all other children are in the next older age group, the maximum group size at any one time during the day may not exceed the group size requirements of the older age group, as required by the child-to-caregiver ratio in 7 AAC 57.505(c).

(g) Maximum group size limitations do not apply during nap times, lunch times, outdoor play periods, field trips, or the length of a special occasion, including a holiday party and a visit from a special guest.

**History:** Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218

**Authority:** AS 44.29.020            AS 47.32.010            AS 47.32.030

**7 AAC 57.520. Program.** (a) A child care facility shall provide structure and daily activities designed to promote a child's individual physical, social, intellectual, and emotional development. Satisfactory compliance with this subsection requires the facility to

(1) have a schedule and daily plan of activities for each age group; the schedule and plan must provide a balance of quiet and active activities, and group and individual activities, and must include time for meals, snacks, sleep, toileting according to individual needs, and indoor and outdoor play; for purposes of this paragraph

(A) a center shall provide the schedule and plan in writing; and

(B) in a home, the schedule and plan need not be written, except that a typical daily schedule and plan must be presented with the application for a license;

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(2) provide opportunities for

(A) individual self-expression and imaginative play;

(B) at least 20 minutes of vigorous physical activity for every three hours the facility is open between the hours of 7:00 a.m. and 7:00 p.m., and daily supervised outdoor activity when weather and the individual child's tolerance permit;

(C) each child to foster independence;

(D) intellectual and social development through use of a variety of activities and materials such as games, toys, books, crafts, puzzles, and blocks;

(E) language development, including encouraging children to talk and read books;

(3) limit television, movie viewing, and computer and video game use to one and one-half hours in a 24-hour period, except for special occasions; the facility shall ensure that these activities are limited to programs and games specifically designed for the interest and benefit of the child; and

(4) limit computer learning activities to two hours a day.

(b) In addition to the requirements in (a) of this section, a facility providing care for infants or toddlers may not routinely leave a child awake in a crib, swing, or similar device for more than 15 minutes without direct adult contact. The facility shall

(1) provide opportunities for a child to develop a caring and nurturing relationship with and attachment to one or a small number of caregivers whose care for and responsiveness to the child ensure relief of distress, experiences of stimulation and comfort, and satisfaction of the need for a connection with the child's caregiver;

(2) provide frequent verbal communication during feeding, changing, and cuddle times;

(3) provide physical contact through holding, rocking, and play, as well as bathing, dressing, and carrying a child;

(4) allow infants and toddlers ample supervised opportunity during the day to explore and learn on their own outside of a play yard or other restraining device; and

(5) ensure that infants are placed on their backs to sleep, unless otherwise ordered by a physician.

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(c) In addition to the requirements in (a) of this section, a facility providing care for school-age children shall provide

(1) a program that supplements rather than duplicates the child's school activities, providing a change of pace and interest between school and the child care program;

(2) freedom appropriate to the child's age and developmental level, and opportunities for self-reliance and social responsibility;

(3) opportunities for school-age children to participate in the selection and planning of their own activities; and

(4) in centers, separate space, equipment, and supplies for the school-age children.

(d) The facility shall treat children in care equitably with the caregiver's own children.

(e) The facility shall encourage parental involvement and allow parents free access to their children, and to all areas of a child care facility used by the children, to observe or participate.

(f) In addition to meeting the requirements in (a) of this section, a facility providing care for children identified as having special needs under 7 AAC 57.940 shall

(1) include children with special needs and children without special needs in all activities possible;

(2) implement the plan of care developed under 7 AAC 57.400 for each child with special needs to enhance the child's health and developmental status;

(3) if a child is identified as a child with special needs under 7 AAC 57.940 after the child's admission to a child care facility, develop a plan of care under 7 AAC 57.400(c) for that child, unless the facility has reason to believe that, even with reasonable accommodation, the facility cannot meet the child's needs and discharges the child; and

(4) monitor the effectiveness, and conduct regularly scheduled reassessments of each child's plan of care.

**History: Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020                      AS 47.32.010                      AS 47.32.030

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**7 AAC 57.535. Behavior guidance.** (a) A child care facility shall help a child to develop age-appropriate patterns of behavior that foster constructive relationships and increasing ability to deal with everyday life.

(b) A child care facility shall provide for positive reinforcement, redirection, and the setting of realistic expectations and clear and consistent limits.

(c) A child care facility may not use discipline or a behavior management technique that is cruel, humiliating, or otherwise damaging to the child.

(d) A child in care may not be

(1) removed from the other children for more than 10 minutes if the child is a young child, except as provided in (e) of this section;

(2) disciplined in association with food or rest;

(3) punished for bedwetting or actions in regard to toileting or toilet training;

(4) subjected to discipline administered by another child;

(5) subjected to verbal abuse, to derogatory remarks about the child or members of the child's family, or to threats to expel the child from the child care facility;

(6) placed in a locked room;

(7) physically restrained, except when necessary to protect a young child from accident, to protect persons on the premises from physical injury, or to protect property from serious damage; and then only passive physical restraint may be used;

(8) mechanically restrained, except for a protective device such as a seatbelt; or

(9) chemically restrained, except on the order of a physician and subject to the provisions of 7 AAC 10.1070.

(e) In a child care facility, when a child has a pattern of out of control behavior, the child may be removed from the company of other children until the child's behavior has stabilized. In addition, the child care facility shall develop a plan with the child's parent to address the behavior issues.

(f) Corporal punishment of children in care is prohibited. For purposes of this subsection, "corporal punishment"

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(1) means the infliction of bodily pain as a penalty for a disapproved behavior;  
and

(2) includes shaking, spanking, delivering a blow with a part of the body or an object, slapping, punching, pulling, and any other action that seeks to induce pain.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.540. Medications.** A child care facility shall store and administer medications as required by 7 AAC 10.1070.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.545. Reducing the spread of disease.** To reduce the spread of disease, a child care facility shall meet the applicable requirements of 7 AAC 10.1045 (Universal Precautions) and 7 AAC 10.1050 (Caregiver Hygiene).

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.550. Health.** (a) At or before admission of a child, a child care facility shall obtain from the child's parent a valid immunization certificate or evidence that the child is exempt from immunization.

(b) A valid immunization certificate must be a copy of

(1) the child's original immunization record showing that, in a manner consistent with the timetable prescribed by the department's childhood immunization schedule, the child has received, or has begun and is continuing to receive, immunizations; or

(2) an immunization record that includes a statement or record by a physician, clinic, or health center indicating the date each required immunization was given.

(c) Evidence that the child is exempt from immunization must be in one of the following forms:

(1) a form prescribed by the department and signed by a medical doctor (M.D.), doctor of osteopathy (D.O.), advanced nurse practitioner (ANP), or physician assistant (PA) licensed in this state; the form must state that in the individual's professional opinion,



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immunizations would be injurious to the health of the child or members of the child's family or household;

(2) a form prescribed by the department and signed by the child's parent or guardian, affirming that immunization conflicts with the tenets and practices of the church or religious denomination of which the parent or guardian is a member;

(3) subject to (k) of this section, a form prescribed by the department and signed by the child's parent or legal guardian, stating the child is homeless within the meaning of 42 U.S.C. 11434a(2) (McKinney-Vento Homeless Assistance Act) and does not have a record of the required immunizations;

(4) subject to (k) of this section, a form prescribed by the department and signed by the child placement agency or worker, foster parent, or child's guardian, stating that the child is in foster care and does not have a record of the required immunizations.

(d) Repealed 5/15/2016.

(e) A child care facility in a community where medical services are not available on at least a weekly basis may provisionally admit a child who does not have the immunization certificate or evidence of exemption required under (a) of this section until the certificate or evidence can be obtained, but for no longer than 60 days.

(f) A satisfactory immunization audit report from the department, regarding an audit completed during the last 30 days for children that were in care at the time of the audit, will be accepted as evidence that the child care facility satisfies the requirements of (a) of this section.

(g) A child care facility may admit a mildly ill child or allow the child to remain in attendance if the child's needs do not compromise the care of other children.

(h) A child care facility that cares for a mildly ill child shall arrange a plan of care with the parent and provide a place where, under supervision, the child may rest or play quietly, apart from other children, if warranted.

(i) A child care facility may not admit a child who shows definite signs of a serious illness or of a highly communicable disease or allow the child to remain in attendance unless a medical provider approves the child's attendance.

(j) A child care facility shall provide an opportunity for supervised rest or sleep periods for each child under the age of five who is in care more than five hours, and for any other child, if desired by the child. For a child who is unable to sleep, the facility shall provide time and space for quiet play. The facility may place in a crib only an infant, a nonclimbing toddler, or a child identified as having special needs under 7 AAC 57.940, if appropriate.

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(k) A child may be provisionally enrolled in a child care facility under (c)(3) or (4) of this section for not more than 30 days if the child's immunization records are not immediately available. If the immunization records are not located during the provisional enrollment period, or the records indicate that the child has not received the required immunizations, the child must be immunized as described in (b) of this section to continue attending the child care facility.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**Editor's note:** The childhood immunization schedule referred to in 7 AAC 57.550 may be obtained from the Department of Health and Social Services, Division of Public Health, Section of Epidemiology, P.O. Box 240249, Anchorage, AK 99524-0249 (telephone: 907-269-8000).

**7 AAC 57.560. Nutrition.** (a) A child care facility shall ensure that snacks and meals meet the child care food program requirements of 7 C.F.R. 226.20.

(b) In a child care center, menus, including snacks, must be planned in advance, be posted in an area open to visitors, and reflect actual food served.

(c) In a child care facility, food for a child's meals and snacks may be provided by the parent.

(d) A child care facility providing care for infants shall observe the following requirements for bottle feedings:

(1) bottle feedings may be prepared by the parent or the child care facility; if the facility prepares the bottle feedings, the facility shall consult with the parent to ensure consistency with the bottle feedings given at home;

(2) an infant must be fed on demand;

(3) a child on bottle feedings

(A) must either be held or fed sitting up or, if unable to sit up, always be held by a caregiver during the feeding; and

(B) may not be permitted to hold or carry its bottle at times other than the feeding;

(4) bottles may not be propped for a child.

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(e) A child care facility shall obtain information concerning any food allergies or special dietary needs of each child and shall plan that child's meals accordingly.

(f) Except for medical reasons, a child care facility may not deny a meal or snack to a child, force-feed a child, or otherwise coerce a child to eat against the child's will for any reason. Mere encouragement to eat without any element of compulsion is not prohibited.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**Editor's note:** A copy of the child care food program referred to in 7 AAC 57.560(a) may be obtained from the Department of Health and Social Services, Division of Public Health, P.O. Box 110610, 350 Main Street, Room 503, Juneau, Alaska 99811-0610 or any other office of that division in the state.

**7 AAC 57.565. Transportation.** (a) A child care facility that provides transportation, either directly or by use of another agency or individuals, shall meet the requirements of this section.

(b) A child care facility shall ensure appropriate use of seat restraints, as follows:

(1) each individual must be restrained with an individual seat belt or age-appropriate child safety device as required by AS 28.05.095 ;

(2) only one individual may occupy each seat belt or child safety device;

(3) children may not occupy the front seat if the vehicle is equipped with an operational airbag on the passenger side.

(c) A child care facility shall ensure children are transported in safe, smoke-free vehicles, as follows:

(1) each vehicle used to transport children must be in good repair, safe, and free of hazards, such as broken windows, holes in the floor or roof, or torn upholstery that allows children to remove the interior padding or hurt themselves;

(2) vehicles used to transport children in snowy, icy, or other hazardous weather conditions must be equipped with snow tires, chains, or other safety equipment as appropriate.

(d) A child care facility shall ensure safe procedures in transporting children, as follows:

(1) the driver or other adult in a vehicle shall ensure that each child younger than a kindergartner is received by a responsible individual;

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(2) the facility shall develop procedures for pick-up and delivery of children; a child care center must post those procedures at the center.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

### Article 6. Environment.

#### Section

610. Environmental health and safety.

620. Space.

630. Equipment and supplies.

**7 AAC 57.610. Environmental health and safety.** A child care facility shall meet the applicable requirements for environmental health and safety set out in 7 AAC 10.1000 - 7 AAC 10.1095.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.620. Space.** (a) A child care facility must have indoor and outdoor space to accommodate the physical and developmental needs of children in care.

(b) A child care center and a child care group home shall provide at least

(1) 35 square feet of usable indoor space per child, exclusive of hallways, bathrooms, storage areas, office space, furnace and laundry rooms, crib space, and any area children are prevented from using; and

(2) 75 square feet of outdoor recreation space per child for the maximum number of children playing outside at any one time, except as provided in (c)(2) of this section.

(c) In meeting the space requirements of (b) of this section, if

(1) a child care center is attached to or located in a residence, the child care facility shall designate space that is exclusive of family living areas; and

(2) outdoor recreation space is not available at a child care center or a child care group home, the facility may use a park or other outdoor location that is easily accessible if a plan for transportation to and from and for use of this alternative outdoor location is approved by the department.

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(d) A child care facility shall ensure that there is a specific place for each child to keep the child's own clothing and personal possessions.

(e) Subject to (f) of this section, a child care center must have storage and work space areas convenient to the area used for child care to meet the following needs:

- (1) record storage and administration;
- (2) food preparation and service, if applicable;
- (3) storage of program materials and resources for staff and parents, if applicable;
- (4) storage of repair and maintenance supplies;
- (5) rest area and meeting space for staff.

(f) The provisions of (e) of this section do not require that rooms or areas be assigned exclusively to a single function.

(g) A child care facility shall maintain a well-organized environment, arranged so that

- (1) children have opportunities to use space, materials, and equipment to optimize learning;
- (2) children may use what they can reach most of the time;
- (3) children have reasonable freedom of action without recurrent accidents and collisions;
- (4) children have a comfortable place for quiet time;
- (5) infants may explore safely and freely, to crawl, stand, and learn to walk; and
- (6) school-age children have a quiet place to do homework, if needed.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020                      AS 47.32.010                      AS 47.32.030

**7 AAC 57.630. Equipment and supplies.** (a) A child care facility shall select equipment and supplies to support facility programs so that the amount, variety, arrangement, and use of materials, toys, and equipment available

- (1) are appropriate for the developmental needs of the children in care;

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(2) meet criteria contained in 7 AAC 57.520(a) ;

(3) are of sufficient quantity to avoid excessive competition and long waits for use by a child; and

(4) when stored, are stored safely, with at least some of the toys and materials still accessible to children.

(b) In a child care center, most furniture and equipment must be of child size or adapted for a child's use.

(c) A child care facility must have a telephone or another identified means of communication that allows communication outside of the community.

(d) A child care facility shall make provisions for each child's rest or sleep in accordance with 7 AAC 57.550(j) as follows:

(1) for each infant under age 12 months,

(A) provide an individual crib or play yard with a firm mattress or mat with a washable waterproof covering;

(B) do not use soft bedding materials that increase the risk of suffocation, including comforters, pillows, fluffy blankets, crib bumpers that do not stand upright, and stuffed toys; and

(C) do not use sleeping equipment that may allow a child to fall, become entrapped, or have clothing tangled on protrusions;

(2) provide a cot, mat, or bed for each child; in a home, a couch may be used;

(3) provide a clean and sanitary blanket for each child; in a child care center, either the cots or the blankets must be individually labeled with the child's name;

(4) launder bedding as required under 7 AAC 10.1040(a) (6);

(5) clean and sanitize each crib, crib mattress, cot, mat, or play yard as required under 7 AAC 10.1060(j) .

(e) A child care facility must have a minimum of five developmentally appropriate books per child in care.

(f) A crib used in a child care facility must meet or exceed, as applicable to the size of the crib, the requirements of

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(1) 16 C.F.R. Part 1219 (safety standard for full-size baby cribs), revised as of November 12, 2012 and adopted by reference; or

(2) 16 C.F.R. Part 1220 (safety standard for non-full-size baby cribs), revised as of January 1, 2012 and adopted by reference.

**History: Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**Editor's note:** The Code of Federal Regulations (C.F.R.) may be obtained through the nearest public library. If the Code of Federal Regulations is not available at your nearest library, the material can be obtained by the library through the interlibrary loan system. It may also be obtained at <http://www.gpo/fdsys/>.

### Article 7. Specializations.

#### Section

800. Approval of specializations.

805. Nighttime care specialization.

810. Specialized program activities.

**7 AAC 57.800. Approval of specializations.** To obtain department approval of a specialization designation described in 7 AAC 57.805, a child care facility must demonstrate its ability to comply with the applicable requirements of AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter. The department will approve a requested specialization designation if the department determines the facility is able to satisfy those requirements.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020 AS 47.32.010 AS 47.32.030

**7 AAC 57.805. Nighttime care specialization.** (a) A child care facility may not provide care between the hours of 10:00 p.m. and 6:00 a.m. unless the facility has a nighttime care specialization approved by the department. However, a facility may occasionally provide nighttime care in a home for 30 consecutive days or less without a nighttime care specialization if the requirements of (b) - (f) of this section are met and prior department approval is obtained.

(b) A child care center that provides nighttime care shall provide a room away from sleeping children where children who are awake may engage in activities.

(c) A child care home and a child care group home shall provide nighttime care to no more than five children, including the caregiver's own children under 18 years of age.

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(d) Unless the parent specifies otherwise, a child care facility that provides nighttime care shall serve

- (1) dinner to a child if present at dinner time;
- (2) a nighttime snack; and
- (3) breakfast to a child in overnight care.

(e) A child care facility that provides nighttime care shall provide children with a shower, tub, or sponge bath as needed for body cleanliness. A caregiver shall be in the room while children younger than school age are bathing.

(f) Center staff counted for meeting caregiver-to-child ratio requirements in 7 AAC 57.505(c) must be awake at all times unless there are five or fewer children in nighttime care.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020                      AS 47.32.010                      AS 47.32.030

**7 AAC 57.810. Specialized program activities.** (a) A child care facility may not provide a program of moderate-risk activities on a regular basis unless the facility has a specialized program activity specialization approved by the department. Moderate-risk activities include specialized program activities such as gymnastics, swimming, camping, wilderness walks, horseback riding, canoeing, skiing, climbing, fishing, skateboarding, rollerblading, scooter riding, and bike riding.

(b) A child care facility must base a program activity on a plan that addresses each requirement in this section. A child care facility shall ensure that each employee involved in the activity reviews the plan and that a copy of the plan is taken on each activity away from the facility.

(c) A child care facility shall ensure that the plan required under (b) of this section establishes emergency procedures and injury control procedures for any specialized program activity conducted, including

- (1) carrying or posting of emergency telephone numbers, if telephones are available;
- (2) identification of, respect for, and avoidance of potential weather hazards;
- (3) identification and warning to children of other potential hazards, such as noxious plants, bears and other wild animals, cliffs, mine shafts, and polluted water; and



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(4) development of contingency plans to deal with lost children, accidents, and other emergencies.

(d) A child care facility must plan for supervision during a specialized program activity so that

(1) the child-to-caregiver ratios required in 7 AAC 57.505 are maintained, or are increased as appropriate to the activity as documented and recommended by

(A) a certifying or accrediting organization with national standards for the activity that are widely recognized by professionals, instructors, or other experts in the field; or

(B) an individual certified or accredited in the activity from an organization described in (A) of this paragraph;

(2) a caregiver who has at least the equivalent of one year of experience in the specialized program activity is designated to supervise the activity;

(3) caregivers who supervise a specialized program activity in which children participate have demonstrated competency in the activity; this demonstration may include certification from an organization with recognized expertise in the activity or documentation of training or experience in the activity; and

(4) if applicable, caregivers have received special training necessary to protect the health, safety, and welfare of children identified as having special needs under 7 AAC 57.940.

(e) A child care facility shall take the following general health and safety precautions during an activity away from the facility:

(1) the facility shall take a first aid kit on field trips and outings as required by 7 AAC 10.1075(a) (2) or (3), as applicable; and

(2) at least one caregiver accompanying the children must be certified in first aid and CPR.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 44.29.020                      AS 47.32.010                      AS 47.32.030

# HEALTH AND SOCIAL SERVICES

## Article 8. Miscellaneous Provisions.

### Section

- 900. Compliance and enforcement.
- 920. Appeals.
- 940. Children with special needs.
- 990. Definitions.

**7 AAC 57.900. Compliance and enforcement.** The department will monitor and investigate a facility to determine compliance with AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, and this chapter as provided in AS 47.32 and 7 AAC 10.9600 - 7 AAC 10.9620, and will take enforcement action as appropriate under AS 47.32.

**History: Eff. 6/23/2006, Register 178**

<b>Authority:</b>	AS 44.29.020	AS 47.32.010	AS 47.32.020	AS 47.32.030
	AS 47.32.090	AS 47.32.100	AS 47.32.110	AS 47.32.130
	AS 47.32.140			

**7 AAC 57.920. Appeals.** An appeal from a department decision under AS 47.32, 7 AAC 10.1000 - 7 AAC 10.1095, or this chapter is subject to the provisions of AS 47.32.140 and 47.32.150. A child care facility wishing to appeal an enforcement action may do so not later than 15 days after receipt of the notice of an enforcement action. The notice of appeal must be in writing and may use a form provided by the department.

**History: Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218**

**Authority:** AS 47.32.150

**7 AAC 57.940. Children with special needs.** For purposes of this chapter, a child has special needs if the child

(1) has been identified as not functioning according to age-appropriate expectations in the areas of affective, cognitive, communicative, perceptual, motor, physical, or social development to the extent that the child may require help, program adjustments, or related services on a regular basis in order to function in an adaptive manner;

(2) requires health and related services of a type or amount beyond that typically required by a child in the child's age group; or

(3) may require one or more of the following services:

(A) specialized care for a particular condition;

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- (B) a specially trained caregiver;
- (C) frequent monitoring of the child's health or medical needs;
- (D) very close supervision;
- (E) frequent intervention;
- (F) aided physical movement.

**History: Eff. 6/23/2006, Register 178**

**Authority:** AS 47.29.020            AS 47.32.010            AS 47.32.030

**7 AAC 57.990. Definitions.** (a) In this chapter, unless the context requires otherwise,

(1) "behavioral health problem" means a mental disorder, substance use disorder, or co-occurring disorder;

(2) "caregiver" includes an administrator, child care associate, employee, student intern, substitute, or other individual in a child care facility whose duties include care and supervision of children, with or without compensation;

(3) "center" means a child care center;

(4) "child care" or "care" means the supervision and provision of developmental opportunities, with or without compensation, to a child who does not have a parent present; "child care" or "care" includes services in or away from the child care facility;

(5) "child care associate" means an individual who meets the requirements set out in 7 AAC 57.330;

(6) "child care center" means a child care facility for 13 or more children;

(7) "child care group home" means a child care facility, usually in an occupied residence, for nine to 12 children;

(8) "child care home" means a child care facility, usually in an occupied residence, for no more than eight children;

(9) "child in care" means a child receiving care in a child care facility;

(10) "co-occurring disorder" means having both a substance use disorder and an emotional or psychiatric disorder;

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- (11) "CPR" means cardiopulmonary resuscitation;
- (12) "department" means the Department of Health and Social Services;
- (13) "domestic violence" has the meaning given in AS 18.66.990;
- (14) "domestic violence problem" means the individual

(A) has been charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for a crime involving domestic violence listed in AS 18.66.990 (3); or

(B) is or has been subject to a protective order issued or filed under AS 18.66 or a substantially similar law or ordinance of another jurisdiction;

- (15) "facility" means a child care facility described in 7 AAC 57.010(b);
- (16) "group home" means a child care group home;
- (17) "home" means a child care home or a child care group home;
- (18) "IFSP" means individualized family service plan;
- (19) repealed 2/9/2007;
- (20) "infant" means a child from birth to 19 months of age;
- (21) "kindergartner" means a child age five or six;
- (22) "nighttime care" means care between the hours of 10:00 p.m. and 6:00 a.m.;
- (23) "owner" means the person licensed to operate a child care facility;
- (24) "parent" means a birth or adoptive parent or a legal guardian;
- (25) "part-time caregiver" means an individual in a child care facility whose duties include care and supervision of children in care, with or without compensation, for 15 hours or less per week;
- (26) "physician" has the meaning given in 12 AAC 40.990;
- (27) "preschooler" means a child age three or four;

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(28) "relative" means an individual who is related to another by marriage, blood relationship, or court decree; "relative" includes a parent, child, grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother, aunt, uncle, great-aunt, great-uncle or step-grandparent;

(29) "school age" means age seven through age 18;

(30) "substance use disorder" means a diagnostic category that meets the criteria set out in the following documents, as amended from time to time and adopted by reference:

(A) the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition, dated June 2013 (*DSM-5*);

(B) the *International Classification of Diseases - 10th Revision, Clinical Modification, 2016, (ICD-10-CM)*, based on information compiled by the United States Department of Health and Human Services, and published by the American Medical Association;

(31) "supervision of children" means the protective oversight of children including

(A) a prudent level of awareness of and responsibility for a child's ongoing activity;

(B) knowledge of the child care program provided by the facility, including applicable policies and procedures, the applicable requirements of this chapter, and children's needs; and

(C) the degree of supervision indicated by a child's age, developmental level, and physical, emotional, and social needs;

(32) "toddler" means a child age 19 months to age 36 months;

(33) "young child" means a child age birth up to age nine.

(34) "on-site" means present in the child care entity as defined in 7 AAC 57.010(b) (3).

(b) In AS 47.32, for purposes of this chapter, and in this chapter,

(1) "administrator" means an individual who has general administrative charge and oversight over a facility subject to this chapter;

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(2) "child" means an individual under 13 years of age, or an individual under 18 years of age with a developmental disability;

(3) "child care facility" means a facility described in 7 AAC 57.010(b);

(4) "license" means a license issued under AS 47.32 and this chapter;

(5) "licensee" means a person who has been issued a license under AS 47.32 and this chapter.

**History: Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218**

**Authority:** AS 44.29.020 AS 47.32.030

**Editor's note:** The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, adopted by reference in 7 AAC 57.990(a) , may be purchased from the American Medical Association at (800) 621-8335; from American Psychiatric Association - Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, Virginia 22209-3901, telephone (703) 907-7322 or (800) 368-5777; or from the American Psychiatric Association - Publishing, Inc. at the following Internet address: <https://appi.org>. The manual is also available for inspection at the Department of Health and Social Services, Division of Public Assistance, Child Care Program Office, 3601 C Street, Suite 140, Anchorage, Alaska 99524.

The *International Classification of Diseases - 10th Revision, Clinical Modification, (ICD-10-CM)*, adopted by reference in 7 AAC 57.990(a) , may be purchased by writing to the American Medical Association, P.O. Box 930876, Atlanta, GA 31193 or visiting its website at <https://commerce.ama-assn.org/store/>. The manual is also available for inspection at the Department of Health and Social Services, Division of Public Assistance, Child Care Program Office, 3601 C Street, Suite 140, Anchorage, Alaska 99524.

On January 29, 2016, as required by AS 44.62.245 and AS 47.05.012 , the department gave notice that the following amended version of material, previously adopted by reference in 7 AAC 57.990, would be in effect on October 1, 2015: the 2016 version of the American Medical Association's *International Classification of Diseases - 10th Revision, Clinical Modification, (ICD-10-CM)*. The amended version may be reviewed at the Department of Health and Social Services, Division of Public Assistance, Child Care Program Office, 3601 C Street, Suite 140, Anchorage, Alaska 99524.