

5-04-01

CHILD

CARE

LICENSE

04 AAC 62

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Sen. Robin Taylor, Vice-Chair
Sen. Lyda Green
Sen. Georgianna Lincoln
Rep. Jeannette James
Rep. Joe Hayes



State Capitol, Room 116
Juneau, AK 99801-1182
(907) 465-5446 fax: 465-6592
Interim
716 W. 4th Ave. Suite 430
Anchorage, AK 99501
(907) 269-0250 fax: 269-0249

Administrative Regulation Review Committee

AGENDA

Friday, May 04, 2001 4:00-5:00pm, State House Affairs, Room 102

- I. Review of Proposed changes to 4 AAC 62 Child Care Licensing Requirements

This hearing will be teleconferenced

SITE: Mat-Su LIO

COMMITTEE: JARR

DATE: 05-04-01

SUBJECT OF MEETING:

4AAC62

Changes Child Care Licensing

UPDATE #:

PLEASE SIGN IN

PLEASE PRINT:

NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**DO YOU WANT
TO TESTIFY?
Y or N**

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
Carol Jensen			Y
Verna Euwer			Y
Marlene Wright			Y
Arlie Reed Lewis			Y
Natalie Ray			Y

SITE: OFF-NETS

COMMITTEE: JARR

DATE: 5/4/01

SUBJECT OF MEETING:

UPDATE #: Final Stats



PLEASE SIGN IN

PLEASE PRINT:

NAME

ADDRESS (MAILING & ZIP)

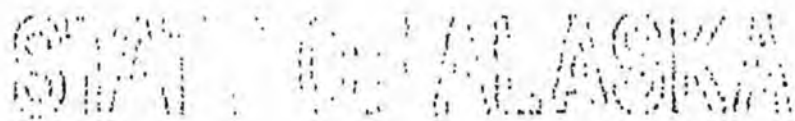
REPRESENTING

DO YOU WANT

TO TESTIFY?

Y or N

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
Yvonne Schenker			Y



TONY KNOWLES, GOVERNOR

Department of Education & Early Development

Division of Early Development

333 West 4th Avenue, Suite 320
Anchorage, Alaska 99501-2341
(907) 269-4667
(007) 269-4520 Fax
kimberly_oshea@ood.state.ak.us

April 25, 2001

Dear Childcare Provider:

The State Board of Education & Early Development has opened a period of public comment on proposed changes to the childcare licensing regulations. That period extends through May 18th and I urge you to review the changes and comment. The enclosed attachment provides information on ways to submit your comments (in writing, via the Web, by fax, or in person).

In addition, the Division of Early Development has scheduled a series of community discussions throughout the state in an effort to assure providers an opportunity to ask questions, clarify any items, and for my staff and I to hear your issues and recommendations. These meetings are not for the purpose of taking public testimony and will not replace your written comments to the State Board. However, if you are available and there is a meeting scheduled in your community, I hope you will consider attending.

Below is a list of the locations in your region where community meetings have been scheduled. My staff and I hope to see you there!

Southcentral Region:

Kenai

Tuesday, May 1st
Kenai Peninsula Borough
144 Binkley Street
Soldotna
3:00 - 4:30 p.m. and 6:00 - 8:00 p.m.

Anchorage

Wednesday, May 2nd
United Way Conference Room
701 West 7th, Suite 230
2:00 - 4:30 p.m.

Central Middle School of Science
1405 "F" Street
6:00 - 8:00 p.m.

LICENSED CHILD CARE FACILITIES

FACILITY TYPE	TOTAL FACILITIES 12/1/00	CAPACITY* 12/1/00	NUMBER OF CHILDREN IN CARE 12/01/00	NUMBER OF CHILDREN SUBSIDIZED 12/2000
HOME	295	1 928	1,715	1,870
GROUP HOME	49	578	362	"
CENTER	234	13,251	6,136	2,332
TOTALS	578	15,757	10,213	4,202

*Capacity has increased to 16,238 as of 1/31/01

**Total number of children served in the Group Home is combined with Home category

REGISTERED CHILD CARE FACILITIES

FACILITY TYPE	TOTAL FACILITIES 12/1/00	CAPACITY 12/1/00	NUMBER OF CHILDREN SUBSIDIZED 12/2000
HOME	1631	6524	587



Department of Education & Early Development

**Proposed Changes to Regulation 4 AAC 62
Child Care Licensing**

The following are ways to comment on this regulation:

In Writing:

Commissioner of Education & Early Development
Attn: Regulations Review
801 West Tenth Street, Suite 200
Juneau, AK 99801-1894

Via the Web:

www.eed.state.ak.us
click on Comment on Proposed Regulations.
A copy of the regulations and a comment form is available.

By Fax:

(907) 465-4156

In Person:

State Board Meeting
June 7, 2001 at 9:00 a.m.
Alaska Vocational Technical Center (AVTEC)
Student Service Center, 519 Fourth Avenue
Seward, Alaska

Comments must be received no later than 4:30pm, May 18, 2001.

If you have questions on how to comment, please call
Sheila Box, 465-2801

ALASKA STATE LEGISLATURE



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN SENATE DISTRICT N

June 6, 2001

Deputy Commissioner Yvonne Chase
Department of Education & Early Development
333 West 4th Avenue Suite 320
Anchorage, Alaska 99501-2341

TRANSMITTED VIA EMAIL, ORIGINAL TO FOLLOW

Dear Deputy *Yvonne* Commissioner Chase,

I am writing in regards to the proposed amendments to 4 AAC 62, Child Care Licensing Requirements.

I have been contacted by both constituents and non-constituents opposing sections of the proposed changes. There is particular concern about the over-all financial ramifications for facilities and loss of available spaces for children. The expressed fear is that these costs will have to be absorbed by parents. It is possible that parents will not be able to afford the raised costs and therefore will remove their children from licensed facilities and place them in registered or even unregistered and unregulated homes.

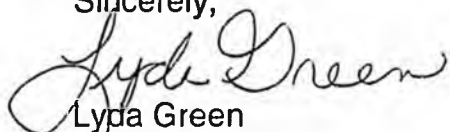
There is particularly a concern about lowering child-to-caregiver ratios. The general consensus is that the current ratios have worked well for some time now. If these ratios were changed, it seems facilities would be faced with having to hire more employees or lower the number of children they provide care for. Facilities that were built with the current ratios in mind would be under-utilized and result in a loss of available spaces for children.

Concern is also expressed regarding the proposed requirement of one Child Care Specialist for every thirty children in care at a facility. I have been told that there is a lack of qualified persons to fill these positions and a shortage of educational opportunities to produce qualified persons. When coupled with the relatively low wages facilities are able to offer, filling the currently required upper-level child care provider positions is already difficult. Facilities are afraid that more required positions will be impossible to fill.

I understand that there have been some suggested amendments to the proposed regulations. However, I have not had the chance to review these amendments and am not sure if they address the concerns outlined above.

In light of these concerns, I believe that it would be in the best interests of the Department of Education and Early Development and the State Board of Education and Early Development to delay adoption of these regulations until these issues can be addressed with the people who are most affected by the regulations.

Sincerely,



Lyda Green
Senate District N

cc: Members of the Senate HESS Committee
Senator Loren Leman
Senator Jerry Ward
Senator Gary Wilken
Senator Bettye Davis
Chairman of the House HESS Committee
Representative Fred Dyson
Members of the Regulation Review Committee
Representative Lesil McGuire
Senator Robin Taylor
Senator Georgianna Lincoln
Representative Jeannette James
Representative Joe Hayes

Online Public Notice

State of Alaska Online

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Submitted by	Date Modified	Ak Admin Journal	Attachments	Public (Web edit)
Sheila Box/OOC/EED on 04/10/2001 at 10:25 AM	04/10/2001 10:27:57 AM	[not printed]	supp 10 - 4 AAC 62 Child Care with selections.pdf	

Proposed Changes to 4 AAC 62, Child Care Licensing Requirements

Category: Notices of Proposed Regulations

Department: Education & Early Development

Publish Date: 04/10/2001

Location: Statewide
Region: Statewide

Body of Notice:

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF EDUCATION & EARLY DEVELOPMENT

Notice is given that the State Board of Education & Early Development, under the authority of AS 14.07.020, AS 14.07.060, and AS 14.37.020, proposes to amend regulations in 4 AAC 62, Child Care Licensing Requirements, to implement and make specific AS 14.37 by:

- Making changes which correct or clarify items.
- Changes made as a result of legislation that has recently passed into law.
- Changes that represent an effort to increase the health and safety of children in childcare settings, as well as the qualifications of care providers.
- Lowering the provider to child ratio as part of an ongoing effort to improve quality of care in early development.

Notice is also given that interested persons may present written comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, by writing to:

Commissioner's Office
Department of Education & Early Development
Attn: Regulations Review
801 West Tenth Street, Suite 200
Juneau, Alaska, 99801-1894

so that your comments are received no later than 4:30 p.m. on May 18, 2001. Additionally, any person may present oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, at an oral hearing during the next regularly scheduled meeting of the Alaska State Board of Education & Early Development, June 7, 2001, at the Alaska Vocational Technical Center (AVTEC), Student Service Center 519 Fourth Avenue, Seward, Alaska. The oral

hearing will begin at 9:00 a.m., and will continue until 10:00 a.m., or until those persons present and signed up in advance to testify have spoken, whichever is sooner. **Written comments will not be accepted at the oral hearing.**

If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact Sheila Box at 907-465-2801, or e-mail sheila_box@eed.state.ak.us, no later than May 30, 2001, to ensure any necessary accommodations can be provided.

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the Commissioner's Office at the address above, e-mailing sheila_box@eed.state.ak.us, or calling 907-465-2801, and they can be found on the Department of Education & Early Development's web site <http://www.eed.state.ak.us/regs>.

The State Board of Education & Early Development, after the oral hearing mentioned above, will either adopt these or other proposals dealing with the same subject without further notice or decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

April 9, 2001
/s/ Shirley J. Holloway, Ph.D., Commissioner
Department of Education & Early Development

**ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))**

Alaska Department of Education & Early Development

Subject: Child Care Licensing Requirements

Citation: 4 AAC 62

Reason for Proposed Action:

The responsibility for Child Care Licensing was transferred to the Department of Education & Early Development on July 1, 2000. The childcare licensing sections of the Department of Health and Social Services regulations were transferred to title four of the Administrative Code at that point, but no substantive changes occurred. The proposed regulations represent minor corrections or clarifications of these regulations, changes made as a result of legislation that has recently passed into law, and changes that represent the Department of Education & Early Development's effort to increase the health and safety of children in childcare settings, as well as the qualifications of care providers.

Program Category and BRU: State Board of Education & Early Development.

Cost of implementation to EED and available funding (in thousands of dollars)

Initial Year (FY01)

General Fund -0-
Federal Funds -0-
Other Funds (specify) -0-*

Subsequent Years

General Fund -0-
Federal Funds -0-
Other Funds (specify) -0-*

** Changes to the number of children to staff ratios in these regulations, along with FY2002 changes to the income eligibility scale and implementation of the market rate survey, which increases provider payments, will result in increased costs for the child care subsidy program. These costs are reflected in the FY2002 budget request for the subsidy program.*

Contact: Yvonne Chase, Deputy Commissioner of Early Development, Department of Education & Early Development, 333 West Fourth Avenue, Suite 320, Anchorage, Alaska, 99501.

Origin of Proposed Action: At the direction of the State Board of Education & Early Development at its meeting in Juneau, Alaska, March 30, 2001.

April 9, 2001

Prepared by: Sheila Box, Executive Secretary to the
State Board of Education & Early Development
(907) 465-2801

Revision History:

04/10/2001 10:25:17 AM by Sheila Box/OOC/EED/State/Alaska/US
04/10/2001 10:27:57 AM by Sheila Box/OOC/EED/State/Alaska/US

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[supp 10 - 4 AAC 62 Child Care with selections.pdf](#)

4 AAC 62.200

QUALIFICATIONS OF ADMINISTRATOR.

(a) The administrator of a child care home must be at least 18 years of age. The administrator of a child care center or a child care group home must be at least 21 years of age.

(b) An administrator must be of good character and reputation, have an understanding of the development of children, the ability to care for children, and the skills to work with children, family members, department staff, community agencies, and, where applicable staff of the child care facility.

(c) The administrator of a child care center must have management and supervisory skills necessary to plan and evaluate programs, select and supervise personnel, including delegation of responsibility and motivation of staff, and handle finances.

(d) The administrator of a child care center must have 12 semester hours of college credit in early childhood development, child development, child psychology, or the equivalent, such as a CDA credential. College credit in management may substitute for three of the 12 required hours. The administrator of a child care center for school-aged children may substitute relevant college courses, such as recreation courses, to meet the requirements of this subsection.

(e) In addition to the requirements of this section, an administrator must meet the applicable caregiver qualifications for the type of child care facility set out in 4 AAC 62.210 .

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

(g) The licensing representative will assess the qualifications of the designated administrator. If the review shows that the person is not qualified under this section, the licensing representative will inform the child care facility that the person may not serve as an administrator and that the child care facility's license is subject to denial or revocation unless a qualified administrator is designated within 30 days.

History -

Eff. 1/1/96, Register 136; am 3/1/98, Register 145

Authority -

AS 14.37.020

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

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

(i) In this section,

(1) "adult member of the licensee's household" means a person 18 years or older who remains or intends to remain in the child care facility for more than 45 days, but does not include

(A) a person 18 or 19 years of age who is in the custody of the state; or

(B) who is a runaway sheltered in a child care facility or an adult client of a maternity home;

(2) "child abuse or neglect" has the same meaning as in AS 47.17.290 ;

(3) "indictment" includes presentment or charging by information;

(4) "person having regular contact with children in a child care facility" means a caregiver, a member of the licensee's household, and a person residing in any part of the child care facility, if that person has direct access from the person's residence to the part of the child care facility where child care is provided.

History -

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Dear Parent,

New Child Care regulations have been proposed by the Dept. of Education and Early Development. They comprise major changes in many areas. Several of these changes will impact you and definitely raise rates.

The first change is the reduced child to caregiver ratio. The new ratio requirements will effectively remove 10% or more of the children in each age group. For example, in a group of ten 4 year olds now, we have one teacher. The new code will allow only 9 children with one teacher. One child will have to go, and the spaces remaining will have to absorb the revenue loss with increased tuition. For smaller centers, the impact will most likely cause them to close. Parents simply will not be able to pay the much higher pro-rata increase in fees.

The second change is that each center have a qualified administrator for every 30 children. If it were possible to find this qualified staff, the salary cost would be unaffordable for any center. This would again increase the cost of day care.

The third change is the demand for more record keeping and reporting. This will be reflected in increased fees to parents.

This is the most serious threat to the future of private child care in Alaska to date. To our knowledge, the proposed State Regulations are more stringent than that used in any other state. If there is not a public outcry, these regulations will become law. Many children will no longer have centers to attend and there will be fewer spaces in those centers that remain. Increased fees to the parents will result.

As the private child care industry has exploded across America in the last 15 years, very few privately owned centers have been built in Alaska and many have closed. If there is a shortage of child care now, what will it be like when the new requirements take effect? Once private care is not available, justification for state operated care will be clear.

The Dept. of Education and Early Development has not scheduled any oral hearings to be held in the Valley or Anchorage. Written comments are accepted only until May 18. Most operators had no knowledge of these proposed regulations until a week or so ago. The only oral hearing scheduled is in Seward on June 7th and then only for 1 hour.

We urge you to write the Commissioner of Education, send a POM to your legislators, or write articles to the newspaper, and any other influential parties known to you. There is little time, and your child's space may be the one you save by expressing your opinion strongly against this proposed regulation.

Chapter 14.37. LICENSURE OF CHILD CARE FACILITIES

Sec. 14.37.010. Purpose; applicability.

(a) The purpose of this chapter is to establish and maintain standard levels for services offered to children in child care facilities. The legislature recognizes the responsibility of parents to select and monitor caregivers for their children in order to ensure a reasonably safe and developmentally appropriate child care environment. The child care licensing procedures in this chapter are intended to reduce predictable risk of harm to children and to provide support services to those providing child care services.

(b) This chapter and regulations adopted under this chapter apply to facilities

(1) for which licensure is required by or under AS 14.37.030 ; or

(2) that are exempt under AS 14.37.030 from licensure but for which a license is issued under AS 14.37.030 (c).

Sec. 14.37.020. Powers of department.

(a) The department may

(1) license and supervise child care facilities;

(2) investigate applicants, licensees, and persons that the department reasonably believes are operating a facility without a license or certification in violation of this chapter;

(3) adopt regulations to implement the provisions of this chapter, including regulations establishing certification and licensure procedures, standards, and fees; establishing requirements for operation of facilities licensed under this chapter; and distinguishing between types of child care facilities;

(4) enter into agreements with private entities, municipalities, or individuals to investigate and make recommendations to the department for the licensing and supervision of child care facilities under procedures and standards of operation established by the department.

(b) The department shall, within 90 days after receiving a written request that it do so, delegate its powers relating to child care facilities under this chapter to a municipality that has adopted an ordinance providing for child care licensing under home rule powers under AS 29.10.010 or as authorized under AS 29.35.200 - 29.35.210. A municipality to which these powers have been delegated may adopt, by ordinance, additional requirements for child care facilities operating within its boundaries if the requirements meet or exceed the requirements adopted by the department.

Sec. 14.37.030. License required; exemptions.

(a) A person may not operate a child care facility without a license issued under this chapter unless that facility is exempt from licensure. The following facilities are exempt:

(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;

(2) a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property;

(3) a recreational program that children are allowed to attend and in which the program assumes no responsibility for care of the children;

(4) a daytime therapeutic program of supervised, educational, and rehabilitative services for children with special needs or behavioral problems;

(5) a program that is primarily educational and that

(A) is certified as a pre-elementary school under department regulations adopted under AS 14.07.020 ;

(B) serves children three years of age or older and is exempt from the department pre-elementary school regulations; or

(C) is operated as a headstart preschool that is required to meet the standards established under 42 U.S.C. 9836a;

(6) a temporary facility providing care for less than five continuous weeks;

(7) a facility regularly providing child care to four or fewer children unrelated to the caregiver;

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

(b) In addition to facilities that, under this section, are exempt from licensure, the department, by regulation, may provide for additional exemptions that the department considers appropriate.

(c) A person may apply for a license for a facility that is exempt from licensure under this section. The department may issue a license to an applicant under this subsection if the applicant meets the requirements of this chapter and regulations adopted under this chapter.

Sec. 14.37.040. Application for license.

(a) Application for a license to operate a child care facility must be made to the department on a form provided by the department and must be accompanied by all applicable fees established by the department under AS 14.37.020 (a)(3).

(b) An application submitted under this section must contain at least the following information:

(1) the name and address of the applicant and, if the applicant is a corporation, partnership, association, or another form of organization, the name, address, and title of each individual who has an ownership or management interest in the facility; if the applicant is an individual, the application must include the name, age, and driver's license number, if any, of each member of the individual's household;

(c) Before expiration of a provisional license, the department shall issue a biennial license for the facility if

(1) after inspection and investigation under (b) of this section, the department finds that the facility is operating in compliance with and meets the licensure requirements of this chapter and regulations adopted under this chapter;

(2) none of the grounds for revocation set out in AS 14.37.180(a)(2) exist; and (3) all applicable fees have been paid. The department shall prepare a summary report of its findings and recommendations for issuance of a biennial license.

(d) The issuance of a license by the department does not obligate the department to support the facility financially.

Sec. 14.37.060. Denial of license; right to appeal.

(a) If the department denies an application for a license or decides not to issue a biennial license, the department shall hand deliver to the prospective licensee, or mail to the prospective licensee by certified mail, return receipt requested, a notice of denial of licensure. The notice must contain a summary of the department's reasons for denial of the license and a form for requesting a hearing under (b) of this section.

(b) A prospective licensee who was denied licensure may appeal the department's decision by requesting a hearing, on the form provided by the department, within 15 days after receipt of the notice of denial of licensure.

Sec. 14.37.070. Variances.

(a) The department may grant to an applicant for a license under this chapter, or to a licensee, a variance from a requirement of this chapter or a regulation adopted under this chapter if that person submits to the department, on a form provided by the department, a complete variance request as required by this section. A variance may be granted if

(1) the applicant or licensee proposes an alternative means, acceptable to the department, to satisfy the intent of the requirement for which the variance is requested; and

(2) the health and safety of children is adequately protected.

(b) A request for a variance must contain the following information:

(1) the statute or regulation from which the variance is sought;

(2) the reasons why the variance is needed;

(3) the period of time for which the variance is requested;

(4) the proposed alternative means of satisfying the intent of the requirement for which the variance is requested;

(5) a statement as to how the health and safety of children will be protected during the period of the variance;
and

(6) assurance that the conditions of the facility do not present an imminent danger to the health or safety of individuals served by the facility.

(c) To evaluate a request for a variance, the department shall take one or more of the following actions:

(1) investigate the statements in the request;

(2) inspect the facility;

(3) schedule a conference with the applicant or licensee regarding the variance request.

(d) The department's decision approving or denying a variance must be in writing, and the department shall provide a copy of the decision to the person requesting the variance. If the department grants the variance, the decision must state the term of and conditions of the variance.

(e) If an applicant or licensee violates a condition of a variance granted under this section, the variance is terminated.

Sec. 14.37.080. Content of license; posting.

(a) A license issued under this chapter must state

(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 that the facility may have in care at any time;

(7) all conditions set by the department;

(8) variances approved by the department for the duration of the license; and

(9) the address and phone number of the nearest department office that is responsible for administering this chapter or of the department representative responsible for evaluating that facility under AS 14.37.020(a)(4).

(b) A licensee shall post the license in a conspicuous place in the facility, visible to individuals in care and their families and to facility staff. If the department has approved a variance that is not stated on the license, the licensee shall post a copy of the variance near the license.

Sec. 14.37.090. Licenses not transferable.

A license may be issued under this chapter only for the location and person named in the application. A license issued under this chapter may not be transferred to another person or location.

Sec. 14.37.100. Orientation and training.

The department, by regulation, may require that an applicant or licensee complete orientation or training to assist that person in operating under the license.

Sec. 14.37.110. Records required.

(a) In accordance with regulations adopted by the department, a licensee shall keep the records regarding each individual in its care that are necessary to show compliance with this chapter and regulations adopted under this chapter.

(b) The department's licensing records, with the names of all individuals in care and parents of minors in care deleted to protect the confidentiality of those individuals, are available for public inspection, except for

(1) material made confidential by state or federal statutes or regulations;

(2) material that is part of an uncompleted licensing or complaint investigation;

(3) records that would deprive an applicant, licensee, or other person of a fair and impartial hearing; and

(4) records for which the department determines that disclosure would constitute an unwarranted invasion of personal privacy.

(c) A government agency that provides funding to a facility licensed under this chapter may have access to that facility's records in order to conduct an audit.

Sec. 14.37.120. Monitoring; investigation.

(a) By the first anniversary of the effective date of a biennial license, including a renewed biennial license, the licensee shall submit an annual self-monitoring report to the department. The department shall specify, by regulation, the contents of the report.

(b) To encourage parents of children in child care facilities to become involved in day-to-day monitoring of the care provided by the facilities, the department shall require licensees to give to parents of children in child care in the licensee's facility a summary of the regulatory

requirements that apply to the facility and the department's or department representative's telephone contact number for reporting a concern regarding child care. The department also may provide notice of the telephone contact numbers for reporting child care concerns.

(c) The department may conduct an investigation, including announced or unannounced on-site inspections, for ongoing monitoring or to assist in its review of an annual self-monitoring report.

Sec. 14.37.130. Biennial license renewal.

(a) At least 90 days before the expiration date of a biennial license, a licensee who wishes to remain licensed shall submit, on a form provided by the department, an application for renewal of the license and any associated variances.

(b) Before expiration of a biennial license, the department or its representative shall inspect a facility that is the subject of a renewal application.

(c) The department shall renew a biennial license if the department finds that

(1) the licensee

(A) either is in compliance with this chapter and regulations adopted under this chapter or is substantially in compliance and has implemented a plan of correction, approved by the department, that is designed to bring the facility into full compliance; and

(B) has maintained the facility in good repair and is in compliance with all state fire safety and environmental health and safety code requirements;

(2) the ground for revocation set out in AS 14.37.180 (a)(2) does not exist; and

(3) all applicable fees have been paid.

(d) If the licensee submits a renewal application within the time period required by the department by regulation, but the department is unable to complete its review before the expiration date of the biennial license, the license is automatically extended for six months or until the department completes its review and either approves or denies the application, whichever occurs first.

(e) If the department decides to approve an application for renewal, but finds that the applicant is not in compliance with a provision of this chapter, a regulation adopted under this chapter, or a condition on the license, the department, as a condition on the renewed biennial license, shall require the applicant to correct any violations and provide the department with verification of compliance.

(f) If the department denies an application for renewal, it shall provide the applicant with a notice of denial of application. The notice must contain a written statement of the reasons for denial and a form for requesting a hearing under (g) of this section.

(g) An applicant whose application is denied may appeal the department's decision, on the form provided by the department, by requesting a hearing within 15 days after receipt of the notice of denial of application.

Sec. 14.37.140. Notice of changes.

(a) A licensee shall provide the department with written notice of a change of mailing address at least 14 days before the effective date of the change.

(b) A licensee shall notify the department within 24 hours after having knowledge of a conviction or indictment, presentment, or charging by information or complaint of an administrator, regular volunteer, staff person, or member of the licensee's household for a violation of the following laws or the laws of another jurisdiction with similar elements:

(1) offenses against the family and vulnerable adults under AS 11.51;

(2) perjury under AS 11.56.200 ;

(3) offenses included in the definition of "serious offense" under AS 12.62.900.

(c) A licensee shall notify the department at least 20 days before the effective date of a decision to relinquish the license.

(d) A licensee shall notify the department at least 20 days before the date on which the licensee wishes to change the number of children in care or hours of operation.

(e) A licensee shall notify the department no later than one day after signing a contract for sale of the licensed facility.

(f) A licensee shall notify the department at least 30 days before the licensee wishes to change the location of the facility.

Sec. 14.37.150. Complaints.

(a) A person who believes that a provision of this chapter, a regulation adopted under this chapter, or a condition of a license issued under this chapter has been violated may file a verbal or written complaint with the department.

(b) The department shall investigate all complaints filed under this section unless the department reasonably concludes that the complaint is without merit.

(c) After an investigation under this section, the department shall prepare a written report of investigation and shall mail a copy to the licensee or other person who is the subject of the complaint, and to the complainant if requested. If the department determines that a violation of this chapter, a regulation adopted under this chapter, or a condition of a license issued under this chapter has occurred, the department's report of investigation must contain the following:

(1) a description of the violation;

(2) a citation to the provision of this chapter or the regulation that has been violated, if applicable; and

(3) either

(A) a date by which the violation must be corrected and a verification of compliance submitted to the department; or

(B) a plan of correction.

(d) A licensee may submit to the department a written response regarding a report of investigation relating to that facility. The department shall retain the written response in the licensing file.

(e) A licensee may not take retaliatory action against a person who files a complaint. A complainant against whom retaliatory action has been taken may recover treble damages in a civil action upon a showing that the action was taken in retaliation for the filing of a complaint.

Sec. 14.37.160. Investigations; search warrants.

(a) An applicant for a license, or a licensee, shall cooperate with the department for purposes of licensing investigations, investigations relating to ongoing monitoring of the facility, or investigations under AS 14.37.150 by

(1) permitting representatives of the department to inspect the facility, review records, interview staff, and interview individuals in care; and

(2) providing to the department information and documentation requested by the department to determine compliance with this chapter and regulations adopted under this chapter.

(b) Following an investigation relating to ongoing monitoring of a facility or relating to a facility that the department believes is operating without a license in violation of this chapter, the department shall prepare and distribute a written report of investigation as described in AS 14.37.150 (c), and the facility may submit a response as described in AS 14.37.150 (d).

(c) The department may seek a search warrant to inspect a facility if

(1) the department has probable cause to believe that the facility is operating without a license in violation of this chapter and the facility operator refuses to allow an inspection by the department; or

(2) the licensee refuses to allow an inspection of the facility by the department.

Sec. 14.37.170. Enforcement actions.

(a) During an investigation under this chapter, the department may, by written notice, suspend operations of the facility if the department has reasonable cause to believe that a violation is occurring that presents an imminent danger to the health or safety of the individuals in care. A suspension under this subsection continues for the time period set by the department

and may continue until the department issues a report of investigation under AS 14.37.150 (c) or 14.37.160(b).

(b) If, after an investigation under this chapter, the department has determined that a violation of this chapter or a regulation adopted under this chapter has occurred or a ground for revocation or nonrenewal set out in AS 14.37.180 exists, has issued a report of investigation under AS 14.37.150 (c) or 14.37.160(b), and has determined that voluntary compliance or a plan of correction is not appropriate, the department may take one or more of the following enforcement actions as the department considers appropriate:

(1) delivery of a warning notice to the licensee or other person who is the subject of the investigation;

(2) modification of the term of an existing license or reduction of the number of children for whom care can be provided;

(3) suspension of operations of the facility for a period of time set by the department;

(4) suspension of new enrollment in the facility for a period of time set by the department;

(5) nonrenewal of the license;

(6) revocation of the license;

(7) issuance of an order requiring immediate closure of the facility;

(8) assessment of an administrative fine of up to \$500 for each day a violation continues, not to exceed a total of \$5,000 for a violation.

(c) The department shall provide the licensee or other person who is the subject of an investigation with written notice of the department's decision under (b) of this section to take enforcement action. The notice must contain a form for requesting a hearing under (d) of this section and must describe

(1) the condition, if any, in the facility that constitutes a violation of this chapter or a regulation adopted under this chapter;

(2) each enforcement action that will be taken;

(3) the licensee's or other person's right to appeal the department's decision to take an enforcement action described in (b)(2) - (8) of this section.

(d) A licensee or other person to whom a notice has been provided under (a) or (c) of this section may appeal the department's decision to impose an enforcement action described in (a) or (b)(2) - (8) of this section by filing a written request for a hearing, on the form provided by the department, within 15 days after receipt of the notice of enforcement action.

(e) Unless the violation that prompted enforcement action under (b) of this section presents an imminent danger to the health or safety of the individuals in care, an enforcement action described in a notice provided under (c) of this section may not be imposed until

(1) the time period for requesting a hearing under (d) of this section has passed without a hearing being requested; or

(2) the department makes a final decision following a hearing requested under (d) of this section.

(f) If a hearing is requested under (d) of this section, the department's decision following the hearing is a final administrative order.

(g) If a hearing is not requested under (d) of this section, the department's notice of enforcement action constitutes a final administrative order, which the department may seek the court's assistance in enforcing.

(h) A licensee whose license was revoked or not renewed under this section may not reapply for licensure under this chapter until after the time period, if any, set by the department in its final administrative order. If a time period is not set by the department, the revocation or nonrenewal is permanent, and the former licensee may not again apply for licensure under this chapter.

(i) Assessment of an administrative fine under this section does not preclude imposition of a criminal penalty under AS 14.37.210 .

Sec. 14.37.180. Grounds for license revocation or nonrenewal.

(a) In addition to the ground of violation of this chapter or a regulation adopted under 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) failure to submit a timely and complete renewal application;

(2) the indictment or charging by information or complaint, or a criminal conviction within the last 10 years, of the licensee or administrator, member of the licensee's household who is present in the facility at any time the facility is in operation, regular volunteer, or staff person for

(A) a felony;

(B) a misdemeanor crime of assault, reckless endangerment, contributing to the delinquency of a minor, or misconduct involving a controlled substance; or

(C) the crime of perjury, as defined in AS 11 or the laws of another jurisdiction;

(3) the conviction, indictment, presentment, or charging of the licensee or an administrator, member of the licensee's household who is present in the facility at any time the facility is in operation, regular volunteer, or staff person at any time for a violation or attempted violation of an offense included in the definitions of "serious offense" under AS 12.62.900 ;

(4) obtaining or attempting to obtain or retain a license under this chapter by fraudulent means, misrepresentation, or by submitting false information;

(5) failure to correct a violation noted in a report of investigation provided under AS 14.37.150 (c) or 14.37.160(b);

(6) failure to comply with a final administrative order issued by the department under AS 14.37.170 .

(b) A licensee may voluntarily relinquish the license or withdraw an application for renewal.

Sec. 14.37.190. Administrative procedure.

The administrative adjudication provisions of AS 44.62 (Administrative Procedure Act) apply to an appeal from a department decision under this chapter relating to denial, involuntary conditioning, or revocation of a license, suspension of operations or admissions, or assessment of an administrative fine.

Sec. 14.37.200. Immunity from liability.

(a) A person operating under agreement with the department under AS 14.37.020(a)(4) is immune from civil liability that might otherwise be incurred or imposed for acts or omissions that occurred during the performance of the person's duties on behalf of the department if the person was operating within the scope of the duties delegated to the person under the agreement.

(b) The department and its employees are not liable for civil damages as a result of an act or omission in the licensing, monitoring, or supervision of a facility licensed under this chapter. This subsection does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct.

Sec. 14.37.210. Penalty.

A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a class B misdemeanor.

Sec. 14.37.299. Definitions.

In this chapter,

(1) "administrator" means an individual who has general administrative charge and oversight of a facility;

(2) "child" means an individual under 18 years of age, and includes an individual who is a relative of a care provider or administrator;

(3) "child care" means, care, supervision, and provision of developmental opportunities, with or without compensation, to a child who does not have a parent present;

(4) "child care facility" means a place where child care is regularly provided for children under 12 years of age for periods of time that are less than 24 hours in duration unless nighttime care is authorized by the department;

(5) "criminal justice information" has the meaning given in AS 12.62.900;

(6) "department" means the Department of Education and Early Development;

(7) "facility" means the administration, program, and physical plant of a child care facility;

(8) "licensee" means a person to whom a license has been issued under this chapter;

(9) "parent" means a birth or adoptive parent or a legal guardian;

(10) "relative" means an individual who is related to another through any of the following relationships, by blood, adoption, or marriage: parent, grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother, cousin, aunt, uncle, great-aunt, great-uncle or step-grandparent;

(11) "serious offense" has the meaning given in AS 12.62.900 .

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4 AAC 62.010 (a) is amended to read:

4 AAC 62.010. EXEMPTIONS FROM LICENSURE REQUIREMENTS. In addition to those facilities[PERSONS WHO ARE] exempt from the requirements of this chapter under AS 14.37.030, the following facilities[PERSONS] are exempt from the licensure requirements of AS 14.37.010 - 14.37.299:

(1) a facility in which the caregiver [PERSON] caring for a child in the child's own home, whether the caregiver is related to the child or not;

(2) a facility in which child care is provided [PERSON CARING] for a child on an irregular basis of less than one day a week for fewer than five consecutive weeks;

(3) a public or private elementary school program, kindergarten through grade six, during normal school hours, but not before or after school child care provided at the school site;

(4) a facility[PERSON] that is certified as a family child care provider by the United States Coast Guard. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020 AS 14.37.030

4 AAC 62.015 is amended to read:

4 AAC 62.015. VOLUNTARY CHILD CARE LICENSURE; NO LICENSE ISSUED FOR CERTAIN EXEMPT FACILITIES. The department will not issue a license to child care facilities that are exempt under AS 14.37.030(a)(2)[(1)] - (a)(4), or 4

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AAC 62.010(a)(1) - (a)(4). (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / ,

Register)

Authority: AS 14.37.020 AS 14.37.030

4 AAC 62.020 is amended to read:

4 AAC 62.020. IMPLEMENTATION(a) Unless extended by the department in its discretion, a child care facility licensed before effective date, 2001[MARCH 1, 1998] has until six months after the effective date, 2001[SEPTEMBER 1, 1998] or the date by which its license must be renewed or converted from provisional to biennial status, whichever is sooner, in which to make any changes to the physical environment of the child care facility or obtain any new documentation required under the effective date, 2001 amendmentsto this chapter.

(b) The licensing representative will not assess compliance with the effective date, 2001 amendedrequirements of this chapter by a child care facility licensed before the effective date, 2001[MARCH 1, 1998] until the child care facility's license is renewed or converted from provisional to biennial status, or until an investigation of an allegation of noncompliance with a requirement of AS 14.37 or this chapter, whichever occurs first. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.025 (a) is amended to read:

4AAC 62.025 TIMEFRAMES(a) A self-monitoring report by a child care facility under **AS 14.37.120**[AS 14.37.050] must be submitted no later than 30 days before the first anniversary date of the child care facility's biennial license and as part of the child care facility's biennial license renewal application under AS 14.37.130. (Eff. 1/1/96, Register 136; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.030 (a) and (b) are amended and (c) is repealed and readopted to read:

4 AAC 62.030. APPLICATION FOR LICENSE(a) **If an orientation and pre service training program is available in the community, the licensing representative may require an**[AN] applicant for a license to operate a child care facility under this chapter **to [SHALL] attend the program. If the applicant does not complete any required program, the licensing representative will suspend processing the application, until the requirement is met**[ORIENTATION AND PRE-SERVICE TRAINING AS REQUIRED BY A LICENSING REPRESENTATIVE, IN THE DISCRETION OF THE REPRESENTATIVE].

(b) An applicant for a license to operate a child care facility under this chapter shall

- (1) submit the application on forms provided by the department;
- (2) comply with department procedures; **and**
- (3) initiate the application in the name of the **individual**[PERSON], or legal entity responsible for the operation of the child care facility[;AND

(4) INCLUDE WITH THE APPLICATION RELEASE FORMS COMPLETED BY THE ADMINISTRATOR, ALL ADULT MEMBERS OF THE HOUSEHOLD, AND ANY ADULT WHO RESIDES IN ANY PART OF THE CHILD CARE FACILITY, IF THAT ADULT HAS DIRECT ACCESS FROM THE ADULT'S RESIDENCE TO THE PART OF THE CHILD CARE FACILITY WHERE CHILD CARE IS PROVIDED; THE RELEASE FORMS SHALL AUTHORIZE THE LICENSING REPRESENTATIVE TO

- (A) REVIEW CRIMINAL JUSTICE INFORMATION;
- (B) REVIEW PROTECTIVE SERVICE RECORDS;
- (C) REVIEW LICENSING RECORDS;
- (D) REQUEST A HEALTH, PROBATION, OR MENTAL HEALTH EVALUATION, IF CONSIDERED NECESSARY BY THE DEPARTMENT; AND
- (E) SHARE THIS INFORMATION WITH THE APPLICANT OR LICENSEE, TO THE EXTENT PERMITTED BY STATE OR FEDERAL LAW].

(c) An applicant for a provisional or biennial license under AS 14.37 shall file a completed application on a form or forms provided by the department and provide the following information as applicable to the type of child care facility:

- (1) information required by AS 14.37.040(b);
- (2) a copy of enabling legislation, charter, partnership agreement, or articles of incorporation for the applicant, if the applicant is a legal entity;

(3) the phone number, fax number, and electronic mail address, if any, of the facility and of the applicant, including each individual who has an ownership or management interest in the facility;

(4) the name, address, phone number, electronic mail address, if any, and title of the chief executive officer of the unit or subunit of government, if the applicant is a government unit;

(5) the name, address, phone number, and electronic mail address, if any, of the owner of the property housing the child care facility;

(6) names, phone numbers, electronic mail addresses, if any, and mailing addresses of four references for the applicant;

(7) for each individual, age 16 and older, having regular contact with children in a child care facility:

(A) a notarized clearance for licensing form including identifying information such as date of birth, driver's license number and background information and

(B) a notarized release of information that will authorize the licensing representative to

(i) review criminal justice information, including juvenile justice information for juveniles age 16 to age 20 under the authority of AS 47.12.310(e);

(ii) review protective service records for adults; in this subparagraph, "protective services records" means records of the

department of health and social services developed under the authority of AS 47.10; 47.14; and 47.17;

(iii) review licensing records;

(iv) request a health, probation, or mental health evaluation, if considered necessary by the department to evaluate whether the individual meets the requirements of AS 14.37 and this chapter; and

(v) share this information with the applicant for a license or licensee, to the extent permitted by state or federal law; and

(C) fingerprint cards as required in 4 AAC 62.210(f).

(8) ages of children to be cared for;

(9) hours and days of operation;

(10) a request for a variance from a requirement of AS 14.37 or a regulation of this chapter, if applicable;

(11) any specializations for which approval is sought under 4 AAC 62.600 - 4 AAC 62.610 of this chapter;

(12) water test results, if applicable;

(13) a current plan of operation for the child care facility, including an organizational chart, staffing chart, other plans, policies, rules, program descriptions, schedules, and forms, and materials unless previously submitted to the department and no changes have occurred; and

(14) other information required by the department to enable the department to determine if the applicant meets the requirements of AS 14.37 and this chapter. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020 AS 14.57.040

4 AAC 62.045 (e) is amended to read:

4 AAC 62.045. DELEGATION AND WITHDRAWAL OF AUTHORITY TO LICENSE CHILD CARE FACILITIES.

(e) A municipality to which child care licensing authority has been delegated shall maintain individual facility records documenting facility compliance or noncompliance with the applicable requirements of AS 14.37 and this chapter. If requested by the department, the municipality shall allow the department to review the municipality's facility records and conduct on-site compliance[STANDARD-BY-STANDARD] evaluations of facilities licensed by the municipality. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62 is amended by adding a new section to read:

4 AAC 62.065. DISCLOSURE OF LICENSING RECORD(S) Department records on a licensed childcare facility are public unless otherwise declared confidential by state or federal law and except information:

(1) made confidential by AS 14.37.110 including child abuse and neglect records under AS 14.17, criminal justice information under AS 12.62 and medical and psychological records;

(2) protected by a privilege or principal recognized by the courts;

(3) that is part of an incomplete licensing or complaint investigation; and

(4) any other records if their disclosure would;

(A) deprive an applicant or licensee of a fair and impartial hearing;

or

(B) interfere with law enforcement proceedings.

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

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

(2) providing procedures for screening, supervising, and disciplining agency personnel in order to minimize the risk of security violations;

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

(4) providing systems for and encouraging the public to review licensing records that are legally open, without disclosing confidential material.

(c) The procedure for disclosure, denial, reconsideration, and appeal regarding agency records contained in 6 AAC 96.010 - 6 AAC 96.900 will be followed when an individual makes a verbal or written request for licensing records. (Eff. / / , Register)

Authority: AS 14.37.020 AS 14.37.110

4 AAC 62.110 is repealed and re-adopted to read:

4 AAC 62.110. ADMINISTRATOR(a) A child care facility shall designate an administrator who is qualified under 4 AAC 62.200. The administrator may be the same person who owns or is otherwise legally responsible for operating the child care facility.

(b) A child care facility with one or more employees shall designate an adult caregiver who meets the age and qualification requirements of 4 AAC 62.200 (a) and (b), and who has at least one year of child care experience, to act on behalf of the administrator in the absence of the administrator from the child care facility. The designated adult caregiver may be a child development specialist who is qualified under 4 AAC 62.230.

(c) Unless the child care facility has previously designated an on-site child development specialist who is qualified under 4 AAC 62.230 the administrator of a child care facility shall be

(1) on-site at least one half of the time that the child care facility is providing care between the hours of 6:00 a.m. and 10:00 p.m. or at least 20 hours per week for a full-day or 24 hour child care facility or 10 hours per week for a half-day or less; and

(2) responsible for not more than two child care facilities.

(d) If the administrator is absent for a period exceeding three consecutive weeks, the child care facility shall designate a child development specialist who is qualified under 4 AAC 62.230 to act on behalf of the administrator. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.120 (a), (b), (c) and (e) are amended to read:

4 AAC 62.120. CHILD CARE FACILITY OPERATION AND MANAGEMENT.

(a) A child care facility with one or more employees[CENTER] shall provide[ADOPT] personnel policies [THAT ARE GIVEN] to employees and regular volunteerat the time they start work with children. The personnel policies must [AND THAT] include, as applicable,

(1) personnel qualifications;

(2) the job description applicable to the employee or regular volunteer

and

(3) procedures for annual evaluation.

(b) A child care facility with one or more employees or regular volunteersshall either directly or by delegation to the administrator

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

(2) remove an employee or volunteer from contact with children when the administrator has[THERE IS] reason to believe that the employee or volunteer has

physically or sexually abused a child or furnished a child with alcohol, tobacco or a controlled substance; and

(3) remove an employee or volunteer from contact with children when the administrator has reason to believe that the employee or volunteer violation of 4 AAC 62.210(b)(1) 4 AAC 62.210 (b)(5); and

(4) ensure that an employee's or volunteer's ability to perform assigned duties is not impaired by alcohol or controlled substances while in contact with children or while performing other job responsibilities.

(c) If the department requests a child care facility to remove an employee or volunteer from contact with children on the grounds set out in **(b)(2) - (b)(4)** [(b)(2) AND (b)(3)] of this section, the department will inform the employee or volunteer of the grounds for removal and provide the employee or volunteer with an opportunity to bring to the department's attention any facts that the employee or volunteer believes pertinent to the matter. The department will excuse or delay notification to the employee or volunteer if the department determines, in its discretion, that notification may put children at risk of harm or compromise a police investigation. The department will not provide the employee or volunteer with any information that is confidential under law or that may put children at risk of harm or compromise a police investigation.

(d) A child care center shall adopt and compile facility policies, procedures, program descriptions, and forms, as applicable, into an operational manual that must

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be made available to employees and volunteers and to the licensing representative upon request.

(e) A child care facility's practices and the practices of the facility employees or volunteers shall[MUST] conform to statutes, this chapter, and the facility's[ITS] policies. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.130 (a)(2) and (3), are amended to read:

4 AAC 62.130. RECORDS(a) A child care facility shall

(1) establish written records necessary to demonstrate compliance with the applicable requirements of AS 14.37 and this chapter;

(2) retain records demonstrating compliance for at least three years from the record's creationand

(3) permit a licensing representative to review records, including personnel and evaluation records and applicable portions of board or other governing body minutes, to determine compliance with AS 14.37 and this chapter. (Eff. 1/1/96,

Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020 AS 14.37.100 AS 14.37.160

4 AAC 62. 140 (a)(5), (6), and (7) are amended and (a)(8) is added to read:

4 AAC 62.140. REPORTS(a) In addition to the notice of changes required by AS 14.37.140, a child care facility shall report the following planned changes to the licensing

representative as soon as possible, but not later than 30 days before they are expected to occur:

- (1) change in the person operating the child care facility;
- (2) change in the name of the person operating the child care facility;
- (3) change in the name of the child care facility;
- (4) change of administrator;
- (5) change in the age [OR SEX] of children served;
- (6) deletion or addition of a specialization under 4 AAC 62.600- 4 AAC

62.610 [OR]

(7) addition and departure of an individual, age 16 and older, having regular contact with children in the child care facility in compliance with 4 AAC 62.210(g)(3) and (4)[OF AN ADULT MEMBER TO THE LICENSEE'S HOUSEHOLD FOR 45 DAYS OR LONGER]

(8) changes in the plan of operation and other information included in the initial application as required by 4 AAC 62.03 Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

Note to Publisher Please amend Section title 210 and 240 in the contents list following

ARTICLE 3. PERSONNEL to read:

210. Qualifications and responsibilities of individuals [PERSONS] having regular contact with children in a child care facility

240. Supervision of employees

4 AAC 62.200 (d) is amended and a new (h) is added to read:

4 AAC 62.200. QUALIFICATIONS OF ADMINISTRATOR (a) The

administrator of a child care home must be at least 18 years of age. The administrator of a child care center or a child care group home must be at least 21 years of age.

(b) An administrator must be of good character and reputation, have an understanding of the development of children, the ability to care for children, and the skills to work with children, family members, department staff, community agencies, and, where applicable staff of the child care facility.

(c) The administrator of a child care center must have management and supervisory skills necessary to plan and evaluate programs, select and supervise personnel, including delegation of responsibility and motivation of staff, and handle finances.

(d) The administrator of a child care center must have 12 semester hours of college credit in early childhood development, child development, child psychology, or the equivalent, such as a CDA credential. College credit in management may substitute for three of the 12 required hours. The administrator of a child care center for school-aged children may substitute relevant college courses, except that three semester hours of college credit in child development are required (SUCH AS RECREATION COURSES, TO MEET THE REQUIREMENTS OF THIS SUBSECTION).

(e) In addition to the requirements of this section, an administrator must meet the applicable caregiver qualifications for the type of child care facility set out in 7 AAC 50.210.

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

(g) The licensing representative will assess the qualifications of the designated administrator. If the review shows that the person is not qualified under this section, the licensing representative will inform the child care facility that the person may not serve as an administrator and that the child care facility's license is subject to denial or revocation unless a qualified administrator is designated within 30 days.

(h) Unless the administrator has a bachelor's degree in child development or the equivalent, the administrator of a child care center shall participate in continuing education in addition to the semester hours required by of this section, by obtaining at least three semester hours of college credit in courses relevant to children's care and development every two years. An administrator with a bachelor's degree in child development or the equivalent shall participate in continuing education by obtaining at least three semester hours of college credit in courses relevant to children's care and development every five years.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.210 is repealed and readopted to read:

**4 AAC 62. 210. QUALIFICATIONS AND RESPONSIBILITIES OF
INDIVIDUALS HAVING REGULAR CONTACT WITH CHILDREN IN A CHILD**

CARE FACILITY.(a) An adult having regular contact with children in a child care facility and a caregiver of any age must be a responsible individual of reputable character who exercises sound judgment.

(b) An individual may not work, volunteer, or reside in the part of the facility where child care is provided or in any other part of the facility with direct access to the part of the facility where child care is provided if the individual

(1) is the alleged perpetrator of an incident of child abuse or neglect in which the department found the evidence available substantiates the allegation or the evidence demonstrates the individual's inability to adequately provide care and supervision to children and to meet the requirements of this section;

(2) has a physical, health, mental health, or behavioral problem to an extent that the problem poses a significant risk to the health, safety, or well-being of children in care;

(3) has a domestic violence or alcohol or other substance abuse problem to an extent that the problem poses a significant risk to the health, safety, or well-being of children in care;

(4) was the subject of prior adverse licensing action of the kind described in AS 14.37.170(b)(1) - (8); or

(5) was at any time under indictment, charged by information or complaint, or convicted for the following laws or similar laws of another jurisdiction:

(A) offenses against the family and vulnerable adults under AS 11.51;

(B) perjury under AS 11.56.200;

(C) offenses included in the definition of "serious offense" under AS 12.62.900.

(c) A child care facility and the department may require that an individual having regular contact with children in a child care facility provide an evaluation from a probation, health, or mental health professional affirming that the individual is free from problems that pose a significant risk to the health, safety, or well-being of a child in the child care facility.

(d) An individual having regular contact with children in a child care facility may not abuse a child or engage in any exploitive or sexual act with a child.

(e) The licensing representative will review the following available records of all caregivers, employees and individuals age 16 and older having regular contact with children in a child care facility:

(1) child protection records;

(2) federal, state and municipal criminal justice information;

(3) medical records; and

(4) licensing records.

(f) Each adult having regular contact with children in a child care facility shall submit two fingerprint cards to the licensing representative. If fingerprint rolling acceptable to the Department of Public Safety is not available in the individual's community, the fingerprint cards must be submitted when adequate fingerprint rolling becomes available or when the individual next visits a community with adequate fingerprint rolling. The licensing representative will use the fingerprint cards to obtain the results of a criminal justice information search on the individual from the Department of Public Safety. In addition, the licensing representative will review Alaska criminal justice information, as defined in AS 12.62.900, including

- (1) past conviction information;
- (2) current offender information; and
- (3) non-conviction information.

(g) Implementation of paragraph (f) of this section will be accomplished in the following manner:

(1) the fee for criminal history checks of individuals having regular contact with children identified on a child care facility's license application prior to effective date, 2001 is 0;

(2) the fee for all criminal justice information checks required upon initial application for a provisional child care facility license is 0;

(3) the fee for all subsequent criminal history background checks as required for additional applications and staff is the amount charged to the department by the Department of Public Safety as set out in 13 AAC 68.900;

(4) when an individual, age 16 and older, becomes employed or otherwise has regular contact with children in a child care facility a child care facility shall

(A) submit release forms required by 4 AAC 62.030 (c)(7) and fingerprint cards required by (f) of this section; or

(B) submit documentation that the release of information, clearance for licensing form and fingerprint cards required by 4 AAC 62.030 have previously been submitted to the department and the individual has been employed as a caregiver in this state without more than six months break in service.

(5) when an individual permanently departs from a child care facility the child care facility shall notify the department in accordance with 4 AAC 62.140(a)(7); and

(6) when the technology becomes available from the Department of Public Safety, the licensing representative will receive notice from the Department of Public Safety of a new arrest or conviction for a crime listed under (b)(5) of this section for an individual in a licensed child care facility with fingerprints on file with the Department of Public Safety.

(h) A caregiver must be able to

(1) demonstrate respect for a child and the child's family;

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

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

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

(5) respond appropriately to a child's needs; for example a caregiver responds to a baby's cry as promptly and effectively as possible;

(6) prevent exposure of children to high risk, including exposure to physical hazards and encounters with individuals or animals known to be a danger;

(7) use strategies to prevent aggressive behavior and to deescalate volatile situations; and

(8) act as a positive role model for children.

(i) A child care facility with one or more employees or regular volunteers shall obtain a completed application for employment from each individual hired as an employee or accepted as a regular volunteer. The completed application for employment or work 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 positive written references on a prospective employee at least two of which are from individuals unrelated to the applicant, and at least one positive reference on a prospective regular volunteer before the employee or regular volunteer is allowed to have contact with children. An occasional volunteer and a member of the licensee's household are exempt from the application and reference requirements. A reference must

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

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

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

(j) In this section,

(1) "adult member of the licensee's household" means an individual 18 years or older who remains or intends to remain in the child care facility for more than 45 days;

(2) "child abuse or neglect" has the same meaning as in AS 47.17.290;

(3) "indictment" includes presentment or charging by information.. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.230 is repealed and readopted to read:

4 AAC 62.230. ADDITIONAL EMPLOYEE QUALIFICATIONS IN CHILD CARE CENTERS.(a) A child care center shall designate one full time child development specialist for at least each 30 children enrolled in the child care center.

(b) A child development specialist must have the age, qualification, and college credit or CDA credential requirements of an administrator as specified in 4 AAC 62.200(a), (b), (d), and (e).

(c) A child care center may designate an on-site administrator to serve in the role of a child development specialist for the first 30 children enrolled.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.250 (a) - (g) are amended and (h) is added to read:

4 AAC 62.250. ORIENTATION AND TRAINING (a) A child care facility with one or more employees shall provide an orientation to each caregiver that includes

(1) the child care facility's policies and procedures[, INCLUDING RESPONSIBILITIES OF THE CAREGIVER];

(2) satisfying special needs of specific children, where appropriate; [AND]

(3) emergency procedures and health and safety measures;

(4) the responsibilities of the caregiver and

(5) the requirements of 4 AAC 62.0054 AAC 62.605

(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 be completed within the succeeding 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 that is relevant to the

caregiver's primary job responsibilities, such as health and safety, child growth and development, planning learning activities, guidance and discipline techniques, linkages with community services, communication and relations with families, detecting and reporting child abuse and neglect and other topics as appropriate [A CHILD CARE FACILITY MAY COUNT INFORMAL TRAINING THAT INCREASES CAREGIVER SKILLS]. Documentation must include the date, subject, method of training, and the name of the individual [PERSON] who conducted the training.

(d) 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 a valid first aid and cardiopulmonary resuscitation (CPR) certification, unless the courses for these certifications are not usually [REGULARLY] available in the community in which the child care facility is located. If certification courses are not usually [REGULARLY] available, the child care facility shall enroll one or more employees in the first available first aid and CPR certification course offered in the community. A currently certified emergency medical or trauma technician on duty satisfies the requirements of this subsection. Caregivers of young children shall enroll in infant and child (pediatric) first aid and CPR in communities where infant and child first aid and CPR are usually [REGULARLY] available.

(e) A child care center shall ensure that each caregiver, other than a volunteer, a child development specialist, and an administrator receives a minimum of 20 [15] hours of training a year. The 20 [15] hours must be in addition to

(1) orientation required by (a) of this section; and

(2) training in CPR and first aid required by (e) [(d)] of this section.

(f) A caregiver in a child care home and a child care group home shall complete a minimum of 12 [NINE] hours of training annually. The 12 [NINE] hours must be in addition to

(1) orientation required by (a) of this section; and

(2) training in CPR and first aid required by (e) [(d)] of this section.

(g) A caregiver may count orientation and pre-service training hours required under 4 AAC 62.030(a) that exceed six hours toward caregiver training hours required under (e) - (h) [(e) - (g)] of this section.

(h) For caregivers providing care for infants and toddlers, one hour of the annual training required in (f) and (g) of this section must cover

(1) recognizing and preventing shaken baby syndrome;

(2) preventing sudden infant death syndrome; and

(3) identifying infant and toddler developmental levels and needs

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020 AS 14.37.070

4 AAC 62.300 (a) is amended to read:

4 AAC 62.300. ADMISSION(a) A child care facility shall

(1) at or before a child's admission to the child care facility, obtain emergency information on a child [, IF KNOWN,] from the child's parent [OR PLACEMENT WORKER,] including

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(A) information about the child's drug or other allergies;

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

(C) for a child to be admitted to a child care facility, information on how to contact the child's parent [OR GUARDIAN];

(2) maintain the information on a form provided by the department. (Eff.

1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.310 (a) (8) is amended to read:

4 AAC 62.310. ADMISSION IN CHILD CARE FACILITIES.

(8) television and video cassette viewing policy **in compliance with 4**

AAC 62.420.(a)(7) (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / ,

Register)

Authority: AS 14.37.010 AS 14.37.020 AS 14.37.110

Note to PublisherPlease amend the contents list following ARTICLE 5. CARE AND

SERVICES to read:

Section

400. Supervision of children

405. Supervision of children; child-to-caregiver ratios in child care facilities

420. Program in child care facilities

435. Behavior guidance

440. Medication

445. Reducing the spread of disease

450. Health in child care facilities

460. Nutrition

465. Transportation

4 AAC 62.400 (g) and (h) are amended to read:

4 AAC 62.400. SUPERVISION OF CHILDREN.

(g) A child care facility shall prevent exposure of children to individuals, animals, and situations known to be a danger. A child care facility may not expose a child to high-risk activities or hazards such as

(1) use of a [AN] mobile infant walker;

(2) a young child walking along a river edge or riding an all-terrain vehicle or snowmobile; or

(3) a child of any age riding an all-terrain vehicle with only three wheels, playing near any body of water or playing with propelled objects without constant supervision, boating without a personal flotation device or in dangerous water conditions, or jumping on a standard or large trampoline [PARTICIPATING IN AN AIRBORNE ACTIVITY SUCH AS HANG GLIDING].

(h) A child care facility shall

(1) document parent permission for a school age child to participate in activities and visit friends off premises; [AND]

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(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 such as well fitting helmet for bicycle, skateboard or scooter riding (Eff. 1/1/96, Register 136; am

3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.405 (a) - (c) are amended, (d) and (e) are repealed and readopted and (f) is added to read:

4 AAC 62.405. SUPERVISION OF CHILDREN; CHILD-CAREGIVER RATIOS IN CHILD CARE FACILITIES (a) In a child care home there must be

(1) a minimum of one caregiver;

(2) no more than a total of six children under age 12 during the first two years of operation as a licensed child care home

(3) [(2)] no more than a total of eight children under age 12 following the first two years of operation as a licensed child care home

(4) [(3)] no more than two of the total [THREE] children under the age of 30 months[; NO MORE THAN TWO OF THESE CHILDREN MAY BE NON-AMBULATORY].

(b) Except as provided in (c) of this section, a child care group home must have

(1) a minimum of two caregivers;

(2) no more than a total of 12 children under age 12; and

(3) no more than **four of the total**[FIVE] children under the age of 30 months[; NO MORE THAN FOUR OF THESE CHILDREN MAY BE NON-AMBULATORY].

(c) A child care group home requires only one caregiver if the

(1) number of children decreases to no more than a total of eight and the requirements of (a) of this section are met; or

(2) caregiver has completed **two** [ONE] years of licensed home child care or the equivalent or meets the college credit or CDA credential requirements of 4 AAC 62.200(d) and there are no more than a total of

(A) **nine** [10] children, with no children under age of 30 months; or

(B) 12 children who are all school aged.

(d) Except as provided in (e) of this section, a child care center shall maintain the following child-to-caregiver ratio during all hours of operation:

Age of children	Number of children	Term for child's age group	Number of caregivers
0 to 12 months	4	infants	1
12 to 30 months	5	toddlers	1
30 to 36 months	7	toddlers	1
3 and 4 years	9	preschoolers	1
5 and 6 years	12	kindergartners	1
7 years and	18	school aged	1

older		children	
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(e) A child care center shall maintain a child-to-caregiver ratio consistent with the age of the majority of the children, when there are mixed age groups in the same room, if no infants, toddlers or preschoolers are in the mixed age group. When infants, toddlers, or preschoolers are in the mixed age group, the child-to-caregiver ratio for infants, toddlers and preschoolers must be maintained.

(f) In this section preschooler means a child three or four years of age. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.420 (a)(7) and (b)(2) - (b)(5) are amended and (a)(8) and (b)(6) are added to read:

4 AAC 62.420. PROGRAM IN CHILD CARE FACILITIES) 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 that

(1) a facility has a schedule and daily plan of activities for each age group that provides a balance of quiet and active, group and individual activities, and that includes time for meals, snacks, sleep, toileting according to individual needs, and indoor and outdoor play; for the purposes of this paragraph

(A) a center shall provide the schedule and activity 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 at the time of application for a license;

(2) opportunities be provided for individual self-expression and imaginative play;

(3) opportunities be provided for vigorous physical activity, daily supervised activity outdoors, when weather and the individual child's tolerance permit;

(4) opportunities be provided for each child to foster independence;

(5) opportunities be provided for intellectual and social development through use of a variety of activities and materials such as games, toys, books, crafts, puzzles, and blocks;

(6) television, digital video display and video cassette viewing video games, and computer use not exceed one hour for each four hours for which a child is in care or four hours in a 24 hour period and is limited to programs and games specifically designed for the interest and benefit of the child; [AND]

(7) a parent with children enrolled be encouraged to visit the facility freely to observe or participate; and

(8) opportunities be provided for language development including encouraging children to talk and reading books

(b) In addition to the requirements in (a) of this section, a facility providing care for infants or toddlers shall

(1) not routinely leave a child awake in a crib, swing, or similar device for more than 15 minutes without direct adult contact;

(2) provide opportunities for each child to develop a caring and nurturing relationship with and attachment to one or a small number of caregivers whose care foand responsiveness to the child ensure relief of distress, experiences of stimulation and comfort and satisfaction of the need for a social partner ^{ENSURE,}
AS MUCH AS POSSIBLE, THAT CARE FOR A CHILD IS PROVIDED BY A CONSISTENT CAREGIVER, RATHER THAN A SERIES OF CAREGIVERS);

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

(4) provide physical contact through holding, rocking, and play, as well as bathing, dressing, and carrying a child; [AND]

(5) allow infants and toddlers, under supervision, the opportunity during the day to explore and learn on their own outside of a playpen or other restraining device; and

(6) ensure that infants are slept on their backs unless medically contraindicated by a physician (Eff. 1/1/96, Register 136; am 3/1/98, Register 145

Register 145; am / / , Register)

Authority: AS 14.37.020

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4AAC 62.435 (d) (5) is repealed:

(5) Repealed / / .(Eff. 1/1/96, Register 136; am 3/1/98, Register 145

Register 145; am / / , Register)

4 AAC 62.440 is amended to read:

4 AAC 62.440. MEDICATIONA child care facility may only administer medication under the following conditions:

[(1) IN A CHILD CARE FACILITY,]

(1) [(A)] the child care facility shall first obtain written permission from the child's parent or shall document telephone permission from the child's parent to administer any medication to the child, **including commonly used nonprescription medication as specified in (3) of this section or contained in the first aid kit required by 4 AAC 62.520 (j)**

(2) [(B)] any over-the-counter medication provided by the child's parent must be in the original container and labeled with the child's name; and

(3) [(C)] the child care facility shall have a policy for the use of any commonly used, nonprescription medication for oral or topical use kept on hand by the child care facility for any child, with parental consent, for whom the medication may be indicated;

(4) [(2)] prescription medicine must be kept in

(A) the original container showing the date filled, the expiration date, instructions, and the physician's or other medical professional's name; or

(B) medicine sets filled by a pharmacist or licensed medical professional; the prescription date filled, the expiration date, instructions, and the physician's or other medical professional's name must be retained;

(5) [(3)] over-the-counter drugs such as non-aspirin fever reducers, naturopathic remedies, vitamin and mineral supplements, diaper ointments and powders, sun screen, and insect repellent may be given only at the dose, duration, and method of administration specified on the manufacturer's label;

(6) [(4)] in a child care facility with one or more employees, only a designated employee[STAFF MEMBER] may administer medication; designated employee[STAFF] shall record and initial the time each dose is administered;

(7) [(5)] unused medication must be returned to the parent in a child care child care facility when it is no longer needed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.450 (d) is amended to read:

4 AAC 62.450. HEALTH IN CHILD CARE FACILITIES.

(d) A child care facility in a community where [REGULAR] medical services are not available on at least a weekly basis may provisionally admit a child who does not have the immunization certificate required under (a) of this section until the certificate can be obtained, but for no longer than 60 days. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

‡ AAC 62 is amended by adding a new section 465 to read:

4 AAC 62.465. TRANSPORTATION(a) A child care facility that provides transportation either directly or by use of volunteers shall meet the requirements of this section.

(b) A child care facility shall ensure appropriate use of seat restraints including

(1) each individual shall be restrained with an individual seat belt or appropriate child restraint device when the vehicle is in motion;

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

and

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

(c) A child care facility shall ensure children are transported in safe vehicles including

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

(2) vehicles used to transport children in snowy, icy, and 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 including

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

(2) procedures for pick-up and delivery of children; in centers, these procedures must be posted. (Eff. / / , Register)

Authority: AS 14.37.020

4 AAC 62.510 (c), (e), and (h) are amended and a new section (j) is added to read:

4 AAC 62.510. LIFE AND FIRE SAFETY(a) The standards for life and fire safety set out in 13 AAC 50.010 - 13 AAC 50.075 and 13 AAC 55.010 - 13 AAC 55.150 as administered by the Department of Public Safety apply to facilities providing

(1) less than 24 hour care for more than six children, including those children of the caregiver who are under age 12 or of limited mobility, if applicable; and

(2) 24 hour care or overnight care for more than five children.

(b) Before an initial license will be issued to a center or group home the child care facility must comply with the applicable fire safety requirements specified in (a) and any additional or more stringent standards established by a municipality to which the state fire marshal has deferred building fire safety inspection and enforcement activities under 13 AAC 50.075(c).

(c) At the time of licensing, a licensing representative will inspect a home to determine if the child care facility meets the applicable requirements of ~~(d) - (j)~~ [(d) - (i)]

of this section. The licensing representative will request an inspection by fire prevention officials if a home is subject to the requirements of (a) of this section and when the licensing representative determines that an inspection by a fire prevention official is necessary.

(d) A child care facility must have an emergency evacuation plan, approved by the licensing representative, that

(1) will, in moderate weather conditions, achieve complete evacuation of children, including children with limited mobility, within 150 seconds during an emergency; and

(2) specifically provides for the evacuation of all children under 30 months of age, children with limited mobility, or children who otherwise may need assistance in an emergency, such as a child who is mentally, visually, or hearing impaired.

(e) A child care facility shall conduct and document [REGULAR] emergency evacuation drills at least once a month, unless postponed due to severe weather.

(f) A child care home must have at least

(1) two means of emergency escape that are remote from each other and that provide unobstructed access to the outside of the building; at least one means of emergency escape must be an exterior door;

(2) one means of escape from the basement directly to the outside at or near ground level, if children occupy a basement area for any part of the day; and

(3) one operable window that meets the requirements to (h)(1) - (3) of this section and provides escape directly to the outside in each child's sleeping room.

(g) A child care facility located in a single family dwelling that has only one exterior door may not have more than six children in care, including the children who are related to the child care facility administrator.

(h) If, under (f)(1) of this section, the home designates a window as one required means of emergency escape, the window must be operable and comply with the following:

(1) the finished sill height may not exceed 44 [48] inches above the floor;

(2) the net clear openable area must be a minimum of 5.7 square feet, with a minimum net clear openable height dimension of 24 inches; and

(3) the minimum net clear openable width dimension must be 20 inches.

(i) A child care home must be free of fire hazards and must

(1) have at least one AC primary power or monitored battery powered smoke detection device and at least one fully charged 2A:10BC dry chemical fire extinguisher strategically located on each level;

(2) ensure that any flammable or combustible liquids are stored in containers with tight fitting lids out of the reach of young children; and

(3) ensure that heating appliances are installed and maintained in a safe and serviceable manner, including

(A) venting to the outside if the appliance is fuel burning; and

(B) not being placed or located in sleeping quarters during sleeping hours, unless the child care facility does not have a separate sleeping area, or in exit ways or corridors at any time.

(j) A child care facility located in an apartment may not have more than five children in care, including the children who are related to the caregiver

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.520 (b), (d)(9), (f), (g)(2), and (h) are amended and (j) is added to read:

4 AAC 62.520. ENVIRONMENTAL HEALTH AND SAFETY The standards for environmental health and safety set out in 18 AAC 30.800 - 18 AAC 30.890 and 18 AAC 30.945 - 18 AAC 30.990 as administered by the Department of Environmental Conservation apply to a child care center. Compliance with these environmental health and safety requirements, as applicable, is required before the Department of Education and Early Development will issue a license to these child care facilities.

(b) At the time of licensing, a licensing representative will inspect a child care facility that is not described in (a) of this section to determine if the child care facility meets applicable requirements of (c), (d), and ~~(g)~~ [(h)] of this section, unless the child care facility has been previously inspected under 18 AAC 30.945 - 18 AAC 30.990. The licensing representative will request an inspection by the Department of Environmental Conservation [AN ENVIRONMENTAL HEALTH OFFICER] if the licensing representative determines that an inspection by the Department of Environmental Conservation [AN ENVIRONMENTAL HEALTH OFFICER] is necessary.

(c) A child care facility that is not described in (a) of this section shall ensure that it has an ample supply of potable water from one of the following sources:

(1) a community water supply;

(2) a rain catchment system in which the water is

(A) disinfected; and

(B) stored off the floor and poured or dispensed by a spout or

faucet;

(3) a surface water supply that has an acceptable filtration system and is continuously disinfected;

(4) a well with a water sample that passes a laboratory test for bacteriological quality; or

(5) a well with a casing that extends 12 or more inches above the ground, that has a sanitary seal, and that is at least 100 feet from the nearest sewer system.

(d) A child care facility that is not described in (a) of this section shall take the necessary precautions to make the child care facility free of hazards that can cause injury or disease to children both inside and outside of the building, including

(1) maintaining the child care facility in a clean and sanitary condition;

(2) maintaining sanitary facilities for proper care, storage, refrigeration, and preparation of food;

(3) installing and maintaining hot water temperature controls so that hot water delivered to plumbing fixtures accessible to a young child in care is not more than 120 degrees Fahrenheit;

(4) storing cleaners, medicines, and other harmful substances in a place inaccessible to young children;

(5) obtaining furniture and equipment that is durable, safe, and kept in good repair;

(6) maintaining proper disposal of sewage, with no evidence of sewage running on the ground or of a septic tank overflowing;

(7) storing refuse in containers with tight-fitting lids until it can be properly disposed;

(8) having sanitary toileting facilities; and

(9) having safe and sanitary equipment and supplies for diapering and toileting where infants and toddlers are in care, including easy accessibility for the caregiver to wash the caregiver's hands each time after changing a diaper or assisting a child with toileting[HAND WASHING].

(e) A child care facility with more than one child in care using bottles and pacifiers shall label the bottles and pacifiers with each child's name; a child care facility that reuses bottles, bottle caps, and nipples shall clean and disinfect them by washing in a dishwasher or by boiling for at least five minutes before filling.

(f) Firearms in a child care center are prohibited under AS 11.61.195.

Ammunition is prohibited in a child care center. All other child care facilities shall ensure that firearms are unloaded with firing pins removed and stored in a locked gun safe or a place that is[REASONABLY] inaccessible to children and that

ammunition is stored separately from the firearms in a place that is [REASONABLY] inaccessible to children.

(g) A child care home and a child care group home shall ensure that its playground is free of hazards that can cause injury, including

(1) selecting and maintaining play equipment so that it

(A) is securely anchored, unless it is portable and self supporting;

(B) is free of entrapment, pinch, or crush points;

(C) is free of sharp points, corners, or edges;

(D) provides clearance between the equipment and any objects that may cause injury; and

(2) covering areas around and under play equipment with shock absorbing material such as pea gravel, sand, or sawdust; dirt, grass, concrete and asphalt may not be used under play equipment.

(h) Smoking in a child ce center is prohibited under AS 18.35.305. Smoking in a child care home and a child care group home is prohibited under AS 18.35.305(1) during hours of operation **or when a child in care is present**

(i) Where young children are in care, a child care facility shall install child proof cover caps in all electrical outlets not in use and that are accessible to children under age five.

(j) A child care center shall maintain two readily available first aid kits, one to be maintained at the center and one to be taken on field trips and outings away from the center. A child care home shall maintain one first aid kit that may also be taken on field

trips and outings away from the home. First aid kits must be restocked after use and inventory taken at least monthly. The first aid kit must include at least the following items:

- (1) disposable nonporous gloves;
- (2) sealed packages of alcohol wipes or antiseptic;
- (3) scissors;
- (4) tweezers;
- (5) thermometer;
- (6) bandage tape;
- (7) sterile gauze pads;
- (8) flexible roller gauze;
- (9) triangular bandages;
- (10) safety pins;
- (11) eye dressing;
- (12) pen or pencil and note pad;
- (13) syrup of ipecac; use only under the direction of a poison control center or with training in its use;
- (14) cold pack;
- (15) current American Academy of Pediatrics or American Red Cross standard first aid text or equivalent first aid guide;
- (16) coins for use in a pay phone;
- (17) insect sting preparation;

(18) poison control center telephone number;

(19) water;

(20) small plastic or metal splints;

(21) soap; and

(22) a current list of children in care with parental permission on file

stating that the child may receive medication listed in (2), (13), and (17) of this

subsection. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / ,

Register)

Authority: AS 14.37.020

4 AAC 62.530 is amended by adding (g) to read:

4 AAC 62.530. SPACE(a) A child care facility must have indoor and outdoor space to accommodate the physical and developmental needs of the children served.

(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 that children are prevented from using; and

(2) 75 square feet of outdoor recreation space per child for the maximum number of children outside at any one time.

(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, parks or other outdoor locations that are easily accessible may be used if a plan for transportation to and from and for use of this alternative outdoor location is approved by the licensing representative.

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

(e) 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, where applicable;

(3) storage of program materials and resources for staff and parents, where 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 utilize 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; and

(4) children have a comfortable place for quiet time alone;

(5) infants may explore safely and freely, to crawl, to stand and to learn to walk; and

(6) school age children have a quiet place to do homework, if needed.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.540 (a)(2), and (d) are amended to read:

4 AAC 62.540. EQUIPMENT AND SUPPLIES (a) A child care facility shall select equipment and supplies to support child care facility programs so that the amount, variety, arrangement, and use of materials, toys, and equipment available

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

(2) for young children, meet criteria contained in 4 AAC 62.420 **(a)(1)-**

(a)(8) [(a)(1) - (a)(5)];

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

(4) when stored, are stored safely and so that at least some of the toys and materials are 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.

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(c) Repealed 3/1/98.

(d) A child care facility must have a telephone or another identified and acceptable means of communication [OR MESSAGE PHONE, UNLESS TELEPHONES ARE NOT READILY AVAILABLE IN THE COMMUNITY]. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

Note to Publisher Please amend the contents list following ARTICLE 7.

SPECIALIZATIONS to read:

Section

600. Approval of specializations

605. Nighttime care in child care facilities

610. Specialized program activities

4 AAC 62.605 (a) is amended to read:

4 AAC 62.605. NIGHTTIME CARE IN CHILD CARE FACILITIES. A child care facility may not usually [REGULARLY] provide care between the hours of 10:00 p.m. and 6:00 a.m. without a nighttime care specialization approved by the department. However, a child care facility may occasionally provide care in a home during those hours for a period of 30 consecutive days or less without a nighttime care specialization if the nighttime care requirements of this section are met and prior approval by the

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department is granted. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145;
am / / , Register)

Authority: AS 14.37.020

4 AAC 62 is amended by adding a new section, 610, to read:

4 AAC 62.610. SPECIALIZED PROGRAM ACTIVITIES) A child care facility may not provide a program of moderate risk activities on a regular basis without a specialized program activity specialization approved by the department. Examples of such specialized program activities include gymnastics, swimming, camping, wilderness walks, horseback riding, canoeing, skiing, climbing, fishing, 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 experience reviews the plan and that a copy of the plan is taken on each experience away from the child care facility, if the experience is conducted away from the child care 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 the child care facility conducts. The emergency procedures and injury control procedures must include

(1) carrying or posting of emergency telephone numbers, if telephones are available;

(2) identification, 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 waters; and

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

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

(1) the child-to-caregiver ratios required in 4 AAC 62.405 are maintained or increased appropriate to the planned activity;

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

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

(4) if applicable, caregivers have received special training necessary to protect the safety and health of children with special needs.

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

(1) the child care facility shall take the first aid kit required by 4 AAC 62.520(j); and

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

Authority: AS 14.37.020

4 AAC 62.990 (2), (4), (32), and (35) are amended, paragraphs (12), (21), and (30) are repealed and re-adopted, paragraphs (18), (19), and (29) are repealed, and paragraphs (38) and (39) are added to read:

4 AAC 62.990. DEFINITIONS.

(2) "caregiver" includes an administrator, **child development specialist** employee, **contractor**, substitute, volunteer, **student intern** or other **individual** [PERSON] in a child care facility whose duties include care and supervision of children;

(4) "child" has the meaning given in AS 14.37.299 [AND, IN ADDITION, INCLUDES AN INDIVIDUAL 18 THROUGH 20 YEARS OF AGE WHO IS EITHER IN THE CUSTODY OF THE STATE OR A RUNAWAY SHELTERED IN A CHILD CARE FACILITY];

(12) "child with special needs" means a child who has, or is at increased risk for, chronic physical, developmental, behavioral, or emotional conditions and who also requires health and related services of a type or amount beyond that required by children generally; a child with special needs may require one or more of the following services: specialized care for a particular condition, specially trained caregiver, frequent monitoring of the child's health or medical needs, very close supervision, frequent intervention, or aided physical movement;

(18) Repealed / / .

(19) Repealed / / .

(21) "kindergartner" means a child age five or six;

(29) Repealed / / .

(30) "regular" means at least once a week for at least five consecutive weeks;

(32) "school aged child" means a child age ~~seven~~ [SIX] through age 18;

(35) "toddler" means a child age 12 months up to age ~~36~~ [30] months;

(38) "employee" includes a contractor who performs services for a child care facility and who has regular contact with children at a child care facility;

(39) "individual having regular contact with children in a child care facility" and "adult having regular contact with children in a child care facility" means a caregiver, a member of the licensee's household, and an individual residing in any part of the child care facility, if that individual has direct access from the individual's residence to the part of the child care facility where child care is provided; in this subparagraph, "regular contact" assumes that the individual will have at least some contact with children in care that is not supervised by the licensee, resulting in the individual having a supervisory relationship over a child in care; however a parent of a child in care is excluded, unless the parent is also a caregiver. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020