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Submitted by: Chairman of the Assembly  
at the Request of the Mayor  
Prepared by: Department of Health and  
Human Services  
For Reading: September 7, 2004

ANCHORAGE, ALASKA

AO NO. 2004- 113(S) *As Amended*

AN ORDINANCE REPEALING CHAPTER 16.55 OF THE ANCHORAGE MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING A NEW CHAPTER 16.55, CHILD CARE AND EDUCATIONAL FACILITIES, TO COMPLY WITH STATE OF ALASKA STANDARDS, ADD CHILD CARE HOME REQUIREMENTS, INCREASE STAFF EDUCATIONAL REQUIREMENTS, IMPROVE PLAY YARD SAFETY, INCREASE STAFF ACCOUNTABILITY, AND IMPROVE STAFF BACKGROUND CHECKS.

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** That Anchorage Municipal Code sections 16.55.010 – 16.55.570 are hereby repealed to delete the child care permit and licensing processes and substitute the child care and educational facility licensing process.

**Section 2.** That Anchorage Municipal Code chapter 16.55 is hereby re-enacted as follows:

Child Care and Educational Facilities

- 16.55.010 Definitions.
- 16.55.020 Purpose.
- 16.55.030 Powers of the department.
- 16.55.040 Applicability.
- 16.55.050 License required; exemptions from licensure requirements.
- 16.55.060 Voluntary licensure; no license issued for certain exempt facilities; application processing sequence.
- 16.55.070 Timeframes for the department.
- 16.55.080 Immunity from liability.
- 16.55.090 Penalty.
- 16.55.100 Application for license.
- 16.55.110 Initial license; provisional license; annual license; biennial license.
- 16.55.120 Monitoring, investigations, search warrants.
- 16.55.130 Complaints.
- 16.55.140 Enforcement action: restriction; suspension; non-renewal; revocation.
- 16.55.150 Hearings; appeals.
- 16.55.160 Disclosure of department licensing records.
- 16.55.170 Responsibilities of a governing body in child care facilities.
- 16.55.180 Variances.
- 16.55.190 Content of license; posting.
- 16.55.200 Administrator.
- 16.55.210 Child care facility operation and management.
- 16.55.220 Records.

- 16.55.230 Reports.
- 16.55.240 Qualifications of administrator.
- 16.55.250 Qualifications and responsibilities of individuals having contact with children in a child care facility.
- 16.55.260 Caregiver age requirements and additional qualifications for adolescent staff.
- 16.55.270 Associate administrator; child development leader.
- 16.55.280 Supervision of staff.
- 16.55.290 Orientation and training.
- 16.55.300 Admission; planning for care.
- 16.55.310 Information for parents.
- 16.55.320 Supervision of children.
- 16.55.330 Child-to-caregiver ratios in child care facilities.
- 16.55.340 Maximum group size in child care centers.
- 16.55.350 Program in child care facilities.
- 16.55.360 Behavior guidance.
- 16.55.370 Medication and topical products.
- 16.55.380 Reducing the spread of disease.
- 16.55.390 Health in child care facilities.
- 16.55.400 Nutrition.
- 16.55.410 Transportation.
- 16.55.420 Agency approvals.
- 16.55.430 Life and fire safety.
- 16.55.440 Environmental health and safety.
- 16.55.450 Space.
- 16.55.460 Equipment and supplies.
- 16.55.470 Approval of specializations.
- 16.55.480 Nighttime care specialization in child care facilities.
- 16.55.490 Specialized program activities.
- 16.55.500 Centers serving sick children.

**16.55.010**      **Definitions.**

The following words, terms and phrases, when used in this chapter 16.55, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative order* means a final written decision by the director in determining compliance or non-compliance, and specifying required corrective action in accordance with this chapter.

*Administrator* means the individual to whom the facility license has been issued. The administrator has day-to-day and overall responsibility for the operation of the facility's program and general administrative charge and oversight of the facility, and may be the business owner or a person designated by the business owner.

1     *Applicant* means the pending or approved facility administrator seeking an initial, renewal, or  
2     modified license. An applicant submitting a preliminary application for a center may be a  
3     person other than the administrator.  
4

5     *Associate administrator* means a child development leader designated by the administrator to  
6     be in charge and with oversight of the facility in the absence of the administrator.  
7

8     *Business owner* means the individual, partnership, corporation, or other entity which owns or  
9     controls a child care facility business.  
10

11     *Caregiver* means any staff person, at least 18 years of age, whose duties in a facility include  
12     care and supervision of children, and who may be in the caregiver-to-child ratio.  
13

14     *Caregiver aide* means an individual who is 16 or 17 years old whose duties in a center  
15     include care and supervision of children and who has been approved by the department as a  
16     caregiver aide.  
17

18     *Center* means a child care and educational center.  
19

20     *Child* means an individual under 18 years of age, and includes an individual who is a relative  
21     of a caregiver or administrator.  
22

23     *Child abuse or neglect* means the physical injury or neglect, mental injury, sexual abuse,  
24     sexual exploitation or maltreatment of a child under the age of 18 by a person under  
25     circumstances that harm or threaten a child's health or welfare. In this definition, "mental  
26     injury" means an injury to the emotional well-being, or to the intellectual or psychological  
27     capacity of a child, as evidenced by an observable and substantial impairment in the child's  
28     ability to function.  
29

30     *Child care or care* means care, supervision, and/or provision of developmental opportunities  
31     on a regular basis, with or without compensation, to a child who does not have a parent  
32     present, and includes services in or away from the child care facility. In this definition,  
33     "regular basis" means at least one time per week for five continuous weeks.  
34

35     *Child care and educational center* means the administration, program and physical plant of a  
36     place in which child care is provided for nine or more children of any age, for up to seven  
37     days a week, excluding a child care home, and including but not limited to the following  
38     special types of centers:  
39

40         A. Center for sick children: A program or center that provides care for sick children.  
41

42         B. Drop-in child care and educational center: A program or center where nine or more  
43         children of any age are all cared for on a drop-in basis, and where no child may attend  
44         more than 6 hours in any one day or more than 12 hours per week.  
45

1 C. Intermittent child care and educational center: A program which serves nine or more  
2 children, and operates during the summer months and/or school breaks throughout the  
3 year, and which is not exempt under 16.55.050.

4  
5 D. Preschool: A program or center where nine or more children aged three through five  
6 years, who are not school-aged children, are in care and which is certified by the state  
7 department of education as a pre-elementary school under state statutes and/or  
8 regulations.

9  
10 E. School-aged child care and educational center: A program or center where nine or  
11 more children of school age are cared for on an enrollment or drop-in basis.

12  
13 *Child care and educational facility* means a child care center or a child care home and is a  
14 place where child care is provided for children under 18 years of age for periods of time that  
15 are less than 24 hours in duration, unless nighttime care is authorized by the department. It  
16 includes the persons, administration, program, physical plant, other parts of the building  
17 housing the child care facility, and adjoining grounds over which the administrator or  
18 business owner of the child care facility has control.

19  
20 *Child care home* or *child care and educational home* means a child care and educational  
21 facility, usually in an occupied residence, for no more than eight children.

22  
23 *Child development associate*, or *CDA credential*, means a credential awarded to child care  
24 providers who have demonstrated skill in working with young children by successfully  
25 completing the national requirements of the CDA assessment system of the Council for Early  
26 Childhood Professional Recognition.

27  
28 *Child development leader* means a staff member of a center who has the same educational  
29 and age qualifications of an administrator under section 16.55.240, who has been so  
30 designated by the administrator or associate administrator, and for whom caregiving is a  
31 major role.

32  
33 *Child in care* or *children in care* means a child or children received by a child care facility  
34 for child care.

35  
36 *Child with special needs* means a child who:

37  
38 A. Has been identified as not functioning according to age-appropriate expectations in  
39 the areas of affective, cognitive, communicative, perceptual, motor, physical, or  
40 social development to the extent that the child may require help, program  
41 adjustments, or related services, on a regular basis, in order to function in an adaptive  
42 manner;

43  
44 B. Requires health and related services of a type or amount beyond that required by a  
45 child in the child's age group;

C. May require one or more of the following services:

1. Specialized care for a particular condition;
2. A specially trained caregiver;
3. Frequent monitoring of the child's health or medical needs;
4. Very close supervision;
5. Frequent intervention; or
6. Aided physical movement.

D. "Child with special needs" does not include a child who is a gifted child as defined by state law.

*College credits in management* means college credits in supervising, directing, administering, personnel management, or business administration.

**Community water supply has the same meaning as defined by Alaska Department of Environmental Conservation or the Municipality of Anchorage, whichever has jurisdiction.**

*Corporal punishment* means the infliction of bodily pain as a penalty for a disapproved behavior, including but not limited to shaking, spanking, delivering a blow with a part of the body or an object, slapping, punching, pulling, pinching, or any other action that seeks to induce pain.

*CPR* means cardiopulmonary resuscitation.

*Days* means calendar days unless otherwise stated.

*Department* refers to the Anchorage Department of Health and Human Services.

*Director* means the director of the Anchorage Department of Health and Human Services or that person's authorized representative.

*Drop-in* means a child who attends irregularly and requires child care services specifically to satisfy short-term needs, on an unscheduled basis.

*Essential job functions* mean the physical and mental abilities necessary to perform the job duties.

*Facility* means a child care and educational facility.

*Fall height* means the highest point of a piece of equipment on which a child could climb.

*Harmful treatment* means an act or acts performed upon a child, or the omission of an act, causing or allowing harm to a child while a child is the responsibility of a child care facility.

1 Harmful treatment is less serious than abuse or neglect, as defined and determined by state  
2 law, and may include serious types of inappropriate discipline.

3  
4 *Home* means a child care home.

5  
6 *Inappropriate discipline* means any disciplinary action or inaction prohibited in section  
7 16.55.360 of this chapter or the failure to comply with subsections 16.55.250H.2. or  
8 16.55.250H.8. of this chapter.

9  
10 *Individual having contact with children in a child care facility* means an individual who has  
11 the opportunity to gain access to a child care facility, a caregiver, a member of the household,  
12 or an individual residing in any part of the premises housing a child care facility. For  
13 purposes of determining personnel qualifications, this phrase does not include:

- 14  
15 A. A parent of a child in care, unless the parent is a caregiver or a member of the  
16 administrator's household;  
17  
18 B. A parent's designee to drop off and pick up a child in care, unless the designee is a  
19 caregiver;  
20  
21 C. An official or individual providing support services to the child care facility or to a  
22 child in care for fewer than five hours a week, including but not limited to infant  
23 learning teacher or attendant for a child with special needs;  
24  
25 D. While in performance of their duties, regulatory authorities, including but not limited  
26 to a licensing representative, fire marshal, food services sponsor, and delivery service  
27 personnel;  
28  
29 E. Installation, maintenance, and repair service personnel for a period of less than two  
30 weeks;  
31  
32 F. The occasional visit of an individual who has an ownership or management interest in  
33 the facility and who does not function as a caregiver;  
34  
35 G. An occasional guest in a child care facility, including persons who present a  
36 specialized program to children in the presence of approved caregivers;  
37  
38 H. An individual residing in any part of the premises housing a child care facility, if that  
39 individual has direct access from the individual's residence to the child care facility,  
40 and the individual remains or intends to remain in the residence for less than 45 days  
41 in a 12 month period, in total, beginning with the first day of the 45, and is not a  
42 caregiver; and  
43  
44 I. An individual coming into incidental contact with children during an outing away  
45 from the child care facility.

1 *Individual residing in any part of the premises housing a child care facility* means an  
2 individual who dwells continuously or occupies the premises of a child care facility as  
3 evidenced by the individual's address on the individual's State of Alaska permanent fund  
4 dividend, driver's license, fishing or hunting license, or other official record or observation of  
5 the individual occupying the child care facility.  
6

7 *Individual who has the opportunity to gain access to a child care facility* means an individual  
8 who has the ability, right, or permission to enter, exit, or make use of the child care facility  
9 during the hours of operation. This phrase does not include an individual defined as  
10 "individual having contact with children in a child care facility."  
11

12 *Individualized education program (IEP)* means a current written individualized education  
13 program for a child with special needs developed by a school district, an infant learning  
14 program grantee, or the child's private physician, pursuant to state law.  
15

16 *Infant* means a child age newborn through 11 months, or up to 18 months of age if not  
17 walking independently.  
18

19 *Job duties* means the responsibilities or tasks required of a staff person in a specific facility  
20 position.  
21

22 *Junior helper* means a person age 13 through 17 years who is not a caregiver aide, who  
23 serves as an extra hand, is not in the caregiver-to-child ratio either as a child or as a  
24 caregiver, and who is never alone with children.  
25

26 *License* means a document, and its attachments, issued to a facility under this chapter which  
27 grants approval to operate.  
28

29 *Licensing representative* means an employee of the department whose role includes the  
30 enforcement of this chapter.  
31

32 *Management interest* includes membership on a governing board or body of the facility.  
33

34 *Member of the household* means an individual residing in any part of the premises housing a  
35 child care facility, if that individual has direct access from the individual's residence to the  
36 child care facility and the individual remains or intends to remain in the residence for 45 days  
37 or more in a 12 month period, in total, beginning with the first day of the 45.  
38

39 *Mental health professional* has the same meaning as provided in state law:  
40

- 41 A. A psychiatrist or physician who is licensed to practice in this state or employed by the  
42 federal government;
- 43
- 44 B. A clinical psychologist licensed by the state Board of Psychologists and  
45 Psychological Associate Examiners;

- 1 C. A psychological associate trained in clinical psychology and licensed by the Board of  
2 Psychologists and Psychological Associate Examiners;  
3  
4 D. A registered nurse with a master's degree in psychiatric nursing, licensed by the State  
5 Board of Nursing; or  
6  
7 E. A social worker with a master's degree in social work and substantial experience in  
8 the field of mental illness.  
9

10 *Nighttime care* means care between the hours of 10:00 p.m. and 6:00 a.m.  
11

12 *Occasional staff member* means a staff member who is in the facility, or in contact with  
13 children while in facility care, for eight or fewer hours in a 30-day period, whether paid or  
14 not.  
15

16 *Operating hours* or *hours of operation* means the hours for which a facility is licensed.  
17

18 *Parent* means a birth or adoptive parent, a legal guardian or legal custodian.  
19

20 *Physician* means a person licensed by the State of Alaska to practice medicine or perform  
21 surgery.  
22

23 *Preliminary application* means the documents needed to review a building for suitability to  
24 become a child care center.  
25

26 *Preschooler* or *preschool-aged child* means a child age three through five, who is not a  
27 school aged child.  
28

29 *Property owner* means the owner of a physical plant used as a child care facility.  
30

31 *Protective services records* means records of the Alaska Department of Health and Social  
32 Services developed under state law.  
33

34 *Psittacine birds* means birds classified as part of the family Psittaciada, including but not  
35 limited to parrots, macaws, and parakeets.  
36

37 *Related* or *relative* means an individual who is related to another through any of the  
38 following relationships, by blood, adoption, or marriage: parent, grandparent, great  
39 grandparent, brother, sister, stepparent, stepsister, stepbrother, step-grandparent, first cousin,  
40 aunt, uncle, great-aunt, or great-uncle.  
41

42 *Reside in* means to live in.  
43

44 *Restriction* or *restriction of license* means the imposition of special conditions upon the  
45 facility which limit its existing operation.



1 *School aged child* or *school age* means a child age five through 17, who has entered school in  
2 the fall on or after the date the Anchorage School District school year starts or who has  
3 entered a home school program and is old enough to enter public school as a kindergartener.  
4

5 *Semester hours of college credit* means certification of completion of a course of study  
6 awarded by an institution of higher learning based on two semesters in an academic year.  
7 Two-thirds of a semester credit equates to one quarter credit.  
8

9 *Sick child* or *sick children* means a child whose participation in a child care and educational  
10 facility other than a center for sick children is prohibited due to discomfort, injury or other  
11 symptoms of illness.  
12

13 *Smoke-free environment* means one in which smoke from tobacco is not evident [IN THE  
14 AIR] by sight or smell and smoking materials are not visible to children in care, including  
15 but not limited to any form of tobacco, lighters, matches, cigarette or cigar butts, or used ash  
16 trays.  
17

18 *Staff* or *staff member* means any person who is age 18 years or older, is employed by or  
19 works in a facility, including volunteers and contractors, and who has contact with children  
20 or whose work product directly affects children, including but not limited to the cook.  
21

22 *Supervision of children* means protective oversight of children including:  
23

- 24 A. A prudent level of awareness of and responsibility for a child's ongoing activity;
- 25
- 26 B. Knowledge of program, the applicable requirements of this chapter, and children's  
27 needs;
- 28
- 29 C. The degree of supervision indicated by a child's age, developmental level, and  
30 physical, emotional, and social needs; and
- 31
- 32 D. The prevention of predictable risks of harm by the physical presence of caregivers  
33 using the senses of touch, sight, sound and smell.  
34

35 *Toddler* means a child who is walking independently and is age 12 through 35 months.  
36

37 *Topical product* means a substance applied externally to prevent or improve certain  
38 conditions, requiring parental permission for use, and not a prescription medication.  
39

40 *Tuberculin clearance* means evaluation and finding by a health care professional that an  
41 individual is clear of active pulmonary tuberculosis.  
42

43 *Variance* means an approved alternative method to meet a requirement of this chapter.  
44

1 *Vigorous activity* means developmentally appropriate aerobic movements including but not  
2 limited to running, jumping, climbing, dancing, or exercising.

3  
4 *Volunteer* means an individual who assists in the operations and programs at a facility on an  
5 unpaid basis.  
6

7 **16.55.020 Purpose.**  
8

9 The purpose of this chapter is to establish and maintain standard levels for services offered to  
10 children in child care facilities. The department recognizes the responsibility of parents to  
11 select and monitor caregivers for their children in order to ensure a reasonably safe and  
12 developmentally appropriate child care environment. The licensing standards and procedures  
13 in this chapter are intended to reduce predictable risk of harm to children and to provide  
14 support services to those providing child care.  
15

16 **16.55.030 Powers of the department.**  
17

18 The powers of the department include, but are not limited to:

- 19  
20 A. Licensing and supervising child care facilities;  
21  
22 B. Investigating facilities, applicants, administrators, and persons the department reasonably  
23 believes are operating a facility with or without a license or who may be in violation of  
24 this chapter; and  
25  
26 C. Enforcing requirements of this chapter.  
27

28 **16.55.040 Applicability.**  
29

- 30 A. The provisions of this chapter apply to child care facilities licensed or required to be  
31 licensed under this chapter, and to facilities exempt under 16.55.050 from licensure but  
32 for which a license is issued under 16.55.060. However, where necessary or appropriate,  
33 various specific requirements set out in this chapter apply, in some cases, to less than all  
34 types of child care facilities, depending on certain factors including but not limited to  
35 type or size of facility, or whether the facility has employees. Abbreviated terms  
36 including but not limited to “center,” “home,” or “facility” may be used to refer to the  
37 facility type, rather than the full name of the facility type.  
38  
39 B. In the event of conflict between a general requirement and a specific requirement  
40 applicable to a particular type or size of child care facility, the requirement specifically  
41 applicable to the child care facility type or size shall apply.  
42  
43 C. The requirements of this chapter apply to a child care facility:  
44 1. During the normal business hours identified on the child care facility’s license; and

- 1           2. Any time the facility or any individual provides child care services outside the child  
2           care facility's normal business hours.

3  
4       **16.55.050       License required; exemptions from licensure requirements.**

- 5  
6       A. A person may not construct, operate, expand, or substantially change a child care facility  
7       within the Municipality without first acquiring a license or approval, as applicable, from  
8       the director and/or any permits required by code or regulation, unless that facility is  
9       exempt from licensure. Only a person who complies with the requirements of this  
10      chapter shall be entitled to receive and retain such a license.  
11  
12      B. The following facilities are exempt from the licensure requirements of this chapter:  
13      1. A facility in which the caregiver is caring for a child in the child's own home,  
14      whether the caregiver is related to the child or not.  
15      2. A facility regularly providing child care and serving a total of four or fewer children  
16      unrelated to the caregiver. For purposes of this subsection, if a facility has been  
17      regularly providing child care and serving a maximum of four children unrelated to  
18      the caregiver, and the caregiver stops providing care to one or more of those four  
19      children, the caregiver may provide child care for one or more different children  
20      unrelated to the caregiver during a five-week period, if the total number of children in  
21      care unrelated to the caregiver never exceeds four. In this subsection "regularly"  
22      means at least one time per week for five continuous weeks.  
23      3. A facility in which the caregiver is a relative of all the children.  
24      4. A program or facility which is in a location with some other business, recreation,  
25      social or religious activity, including but not limited to bowling or aerobics, where  
26      any number of children of any age are cared for while each child's parent is on the  
27      premises, in close proximity and **is available [CONTINUOUSLY ABLE TO**  
28      **ATTEND TO THE CHILD]** when needed, and which does not provide care for a  
29      child while the child's parent is working. In order to qualify for this exemption, a  
30      facility or program shall demonstrate that:  
31      a. There is a method of obtaining appropriate health and emergency information on  
32      each child in care;  
33      b. Parents remain in the building housing the facility, can be contacted immediately  
34      and return to care for their children within five minutes of the notice;  
35      c. There is a system to ensure each child is returned to the appropriate adult;  
36      d. There is no food or beverage allowed in the facility except for water and infant  
37      bottles which are given to the child by the parent; and  
38      e. The facility submits to the department evidence demonstrating compliance with  
39      this subsection annually.  
40      5. A program which provides supervised educational training or instruction for children  
41      three years and older, including but not limited to sports, art, music, religion,  
42      computers, drama, or dance, and children's organizations including but not limited to  
43      Scouts, in which any child attends no more than six hours a week, with no more than  
44      three hours in a 24-hour period. One additional extended day function annually  
45      lasting 24 hours or less is allowed.

6. A program which is a public or private school, certified by the State of Alaska Department of Education and Early Development, or a private school as defined by state law, which does not serve children younger than three years of age, and which:
    - a. Serves any one child age three or older for three or fewer hours a day; or
    - b. Serves school age children.Before or after school child care provided at the school site outside of normal school hours is not exempt under this chapter.
  7. A facility located on Federal military property and operated by:
    - a. The United States Coast Guard; or
    - b. A branch of the United States Department of Defense.
  8. A recreational program that children are allowed to attend voluntarily in which the program assumes no responsibility for care of the children and in which[:] **all children are of school age.**  
**[A. ALL OF THE CHILDREN ARE EIGHT YEARS OF AGE AND OLDER; OR**  
**B. ALL OF THE CHILDREN ARE SCHOOL AGED AND MAY GO TO AND FROM THE PROGRAM UNDER CONDITIONS WHICH ARE SAFE AND SIMILAR TO THOSE WHEN GOING TO AND FROM SCHOOL.]**
  9. A facility that is a state regulated residential child care facility. Any portion of the facility which is not operated as a regulated residential child care facility is not exempt.
  10. A temporary facility that:
    - a. Provides care for school aged children for no more than three weeks in a 12 month period with no more than two weeks being consecutive; or
    - b. Operates only during the summer months of June, July and/or August and:
      - i. Serves a preschool child for no more than two hours per day; or
      - ii. Serves a school-aged child for four or fewer hours per day; however, one day per week may be up to six hours in length, not to exceed 20 hours per week; or
      - iii. Has a current accreditation or certificate from a national accreditation group whose standards meet or exceed this chapter, including but not limited to the American Camping Association.
  11. A daytime program of structured, supervised, rehabilitative services for children 13 years and older with special needs or behavioral problems.
- C. A person who has been informed by a licensing representative that the person shall hold a child care home license may continue care of children only on approval of the licensing representative and only for a limited period not exceeding 30 days.
- D. A center may not care for any one child for more than 18 hours in a 24-hour period.
- E. If the department has information that an establishment may be a child care and educational facility which has not applied for a license and/or claims an exemption under this section, the facility shall, at the request of the department, submit documentation on a

form provided by the department with a claim for exemption, including but not limited to the following:

1. Samples of daily schedules or lesson plans;
2. Ages of all children served;
3. Hours and days of operation; and
4. Number of children served.

F. The department shall review the information submitted under subsection E. and investigate to determine if an establishment is exempt.

**16.55.060**      **Voluntary licensure; no license issued for certain exempt facilities; application processing sequence.**

- A. A person may apply for a license for a facility that is exempt from licensure under this section. The department shall, in its discretion and as time permits, issue a license to an applicant if the applicant meets the requirements of this chapter. However, a license shall not be issued to a facility exempt under subsections 16.55.050B.1, B.7, B.8, B.9, or B.11.
- B. The department shall act on license renewals, facility location changes, complaint investigations, and other necessary enforcement actions before processing first time applications.

**16.55.070**      **Timeframes for the department.**

- A. The following timeframes apply to the review for compliance with or other action by the licensing representative under this chapter:
  1. Within 10 days of the receipt of an application or request, the licensing representative shall review a license application or variance request for completeness and notify the applicant of omissions or additional information required.
  2. Within 90 days after the receipt of a completed initial application with the required attachments, the licensing representative shall review the application and plan of operation, confer with the applicant, inspect the facility for which the application is made, and complete a compliance evaluation. At the request of the applicant, and at the discretion of the department, a time extension may be granted without a withdrawal or denial of the application.
  3. For a license renewal, the licensing representative shall inspect the facility at various times throughout the licensing year, investigate complaints, review the application, plan of operation, inspection reports, and other evidence of compliance, and recommend licensing action no later than ten days before expiration of the license.
  4. If the administrator submitted the application 90 days before expiration of an existing license, but the department is unable to complete its review within the period set out in subsection A.3., the department shall extend the license, up to six months, until the department issues a new license or denies the renewed application.
  5. The department shall approve or deny a request for a variance in writing within 30 days after receipt of the request.

6. Except as provided in subsection B., within 20 days after receipt of a request for an amended license, an amended license shall be issued if approved by the department.
7. Except as provided in subsection B., within 20 days after receipt of a notice of the following changes, if the department approves, an amended license shall be issued:
  - a. Change in mailing address;
  - b. Change in capacity or hours of operation;
  - c. Change in person operating the facility;
  - d. Change in name of person operating the facility;
  - e. Change in name of the facility;
  - f. Change of administrator;
  - g. Change in age of children;
  - h. Deletion or addition of a specialization;
  - i. Change in plan of operation;
  - j. Fire or disaster; or
  - k. Unplanned changes that may affect the license.

B. If the licensing representative determines a longer period is required to obtain additional information and evaluate the effect of the change, the licensing representative may extend the timeframes specified in subsections A.6. and A.7.

**16.55.080**      **Immunity from liability.**

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 section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct.

**16.55.090**      **Penalty.**

A person who violates a provision of this chapter is guilty of a class B misdemeanor.

**16.55.100**      **Application for license.**

- A. The department may, in its discretion, provide consultation to assist an applicant in complying with the requirements of this chapter. Prior to the issuance of an initial license, applicants, business owner if an individual or a partnership, administrators, and associate administrators shall complete orientation and training determined by the department to assist in operating under the license, or as determined to be necessary by the department. Home orientations shall be repeated if a complete application is not received within twelve months of attendance at the initial orientation.
- B. An applicant for a license to operate a child care facility under this chapter shall initiate the application in the name of the individual or entity responsible for the operation of the child care facility.

- 1 C. An applicant for a license under this chapter shall submit a completed application on a  
2 form or forms provided by the department and shall submit all applicable fees established  
3 by the department. An application for a renewed license shall be submitted, along with  
4 any requests for variances, at least 90 days prior to expiration of the license. An  
5 applicant for an intermittent center shall submit the application for renewal at least 60  
6 days prior to reopening.  
7
- 8 D. An application submitted under this section shall contain at least the following  
9 information, as applicable to the type of child care facility:  
10 1. If the applicant is an individual, that person's name, address, telephone number,  
11 facsimile number, and electronic mail address, if any; and the name, age, and driver's  
12 license number, if any, of each member of the individual's household;  
13 2. If the applicant is a corporation, partnership, association, or another form of  
14 organization, the name, address, telephone number, and title of each individual who  
15 has an ownership or management interest in the facility;  
16 3. A copy of the business license relevant to the child care facility;  
17 4. The name, physical location, mailing address, telephone number, facsimile number,  
18 and electronic mail address, if any, of the facility for which the license is sought;  
19 5. The name, address and telephone number of the administrator of the facility;  
20 6. Evidence the administrator is an adult with sufficient experience, training, and  
21 education to fulfill the duties of an administrator;  
22 7. A copy of enabling legislation, charter, partnership agreement, or articles of  
23 incorporation and a resolution for the applicant, if the applicant is an entity;  
24 8. The name, mailing address, telephone number, electronic mail address, if any, and  
25 title of the chief executive officer of the unit or subunit of government, if the  
26 applicant is a government unit;  
27 9. The name, mailing address, telephone number, and electronic mail address, if any, of  
28 the owner of the property housing the child care facility;  
29 10. The name, telephone number, mailing address, and electronic mail address if any, of  
30 four references for the applicant;  
31 11. The maximum number of individuals to be served in the facility;  
32 12. The type of facility for which the license is sought;  
33 13. Ages of children to be cared for;  
34 14. Hours and days of operation;  
35 15. For the business owner, if an individual, and for each individual having contact with  
36 children in a child care facility to the extent provided by law:  
37 a. A notarized clearance for licensing /release form, including identifying  
38 information including but not limited to date of birth, driver's license number,  
39 background information, and a release of information, that authorizes the  
40 licensing representative to:  
41 i. Review all federal, state, and municipal criminal justice information, whether  
42 of this state, of a municipality of this state, or of another jurisdiction,  
43 including juvenile justice information for all juveniles to the extent provided  
44 by state law;  
45 ii. Review protective service records;

- iii. Review complaint records, licensing records, and registered and approved home records;
  - iv. Request a health, probation, or mental health evaluation, and medical records, if considered necessary by the department to evaluate whether the individual meets the requirements of this chapter; and
  - v. Share the information described in this subsection with the applicant for a license, to the extent permitted by state or federal law;
  - b. Criminal justice information reports as required in section 16.55.250;
  - c. Fingerprint cards as required in section 16.55.250; and
  - d. Tuberculin clearance as required by State of Alaska child care facility licensing requirements;
16. In a home, an agreement, on a form provided by the department, from the property owner allowing a child care home to be operated at the facility;
  17. A request for a variance from a requirement of this chapter, if applicable;
  18. A specialization for which approval is requested under sections 16.55.470 through 16.55.490;
  19. Water test results, in accordance with subsection 16.55.440C.1.b., to be submitted with the initial application and every two years thereafter, two months prior to the anniversary of license issuance;
  20. A current plan of operation for the child care facility, including an organizational chart, other plans, policies, rules, program descriptions, schedules, forms, and materials, unless previously submitted to the department and no changes have occurred;
  21. A staffing plan describing the number of people who will work at the facility, including a backup plan for periods when caregivers and staff are absent, staff qualifications, a description of each person's responsibilities, and a supervision schedule for the children in care that meets the requirements of this chapter;
  22. Evidence that:
    - a. The applicant, the business owner, if an individual or a partnership, the administrator, and the associate administrator have completed orientation or training required by the department;
    - b. The applicant has met administrator requirements, except an applicant submitting only the preliminary application; and
    - c. The applicant is capable of meeting the minimum standards of care required by this chapter.
  23. All applicable fees;
  24. Copies of all inspection reports, approvals, and variances issued by other approval agencies, including but not limited to agencies responsible for fire prevention, land use and environmental health and safety, for operation of the facility;
  25. Other information required by the department to enable the department to determine if the applicant meets the requirements of this chapter; and
  26. If records are not available locally for review, the facility may be required to obtain certified copies, sent to the licensing representative directly from the source, with any fees borne by the applicant.



- 1 E. An application for a license shall include a signed declaration by the applicant certifying  
2 the contents of the application and the information provided therein are true, accurate,  
3 and complete. If an applicant intentionally provides false, inaccurate, or misleading  
4 information, the application process is terminated and the applicant may not reapply for  
5 six months.  
6
- 7 F. An application is not complete unless it provides all information required in this section,  
8 unless it is a renewal application. If the applicant does not submit a required item, the  
9 licensing representative shall suspend processing the application until the requirement is  
10 met. If the application is a renewal application, only the attachments requiring updating  
11 shall be submitted with the application.  
12
- 13 G. The right to apply for a license shall be denied if indicated by a previous administrative  
14 order or by court action.  
15
- 16 H. The department shall issue a license to the applicant if the department finds, after  
17 inspection and investigation, the facility, together with the operational plan, complies  
18 with the requirements and procedures of this chapter, and:  
19 1. The evidence demonstrates no grounds for revocation or suspension exist and the  
20 facility may reasonably be expected to be conducted continuously in a safe and  
21 sanitary manner and in compliance with this chapter;  
22 2. Has paid all applicable fees; and  
23 3. Complies with other laws, regulations, and enactments of the municipality, other  
24 agencies, and the State of Alaska.  
25
- 26 I. Denial of initial license:  
27 1. If the department finds a facility fails or refuses to comply, or shall not comply in the  
28 future, with the requirements of this chapter, it shall deny a license. No license shall  
29 be issued unless the applicant obtains all necessary state and municipal approvals for  
30 occupancy.  
31 2. If the department denies a license, the department shall hand deliver to the  
32 prospective administrator, or mail to the prospective administrator by certified mail,  
33 return receipt requested, a notice of denial of licensure. The notice shall contain a  
34 summary of the department's reasons for denial of the license and a form for  
35 requesting an appeal under subsection 3.  
36 3. A prospective administrator who is denied licensure may appeal the department's  
37 decision by requesting a department review, on the form provided by the department,  
38 within 15 days after receipt of the notice of denial of licensure.  
39 4. An appeal beyond the department review under subsection 3. is to an administrative  
40 hearing.  
41 5. When denied licensure, an applicant cannot reapply for a time period specified by the  
42 department.  
43 6. The burden of proof during the appeal is on the applicant to prove the facility is and  
44 shall remain in compliance with this chapter.  
45

- 1 J. The issuance of a license by the department does not obligate the department to support  
2 the facility financially.  
3

4 **16.55.110 Initial license; provisional license; annual license; biennial license.**  
5

- 6 A. The initial license: The department shall issue an initial license to a new facility or a first-  
7 time applicant for a facility if the department determines the application, plan of  
8 operation and facility are in conformity with the requirements of this chapter. The  
9 facility shall remain on its initial license for the first year of operation. For an  
10 intermittent center, the first licensure year shall begin with the effective date on the initial  
11 license.  
12

13 B. The provisional license:

- 14 1. The department may, in its discretion, grant a provisional license to a facility which is  
15 temporarily not in compliance with a regulation if the facility has a reasonable plan,  
16 approved by the department, to correct the areas of noncompliance within the times  
17 specified on the provisional license.  
18 2. At the expiration of a provisional license, the department shall either extend the  
19 license according to this section, issue an annual license, or not renew a license under  
20 section 16.55.140.  
21 3. A provisional license is valid for a period to be determined by the department. No  
22 facility shall be permitted to operate for longer than a continuous two-year period  
23 under provisional license status. A new facility shall only operate for one year  
24 beyond the initial licensing year on a non-compliance provisional license.  
25

26 C. The annual license:

- 27 1. The department shall issue an annual license after a new facility has been operating  
28 under an initial license for the first year and is found to be in compliance with all  
29 standards and provisions of this chapter.  
30 2. Following the second year of operation, the department shall issue an annual license  
31 to facilities which are in compliance with this chapter or which substantially comply  
32 and have implemented a plan of correction.  
33

34 D. The biennial license:

- 35 1. At the department's discretion, a biennial license may be issued to facilities which  
36 have consistently complied with all provisions of this chapter.  
37 2. Consistent compliance requires the administrator shall have held an annual license at  
38 least two years continuously with only temporary minor violations which are  
39 immediately remedied in full cooperation with the licensing representative.  
40

- 41 E. A license shall not be transferred from one person to another, or from one location to  
42 another. If there is a change in the location, business owner, or administrator listed on  
43 the license, the license is automatically terminated and a new application and license are  
44 required for continued operation as a facility.  
45

- 1 F. A facility may expand in licensed capacity only when:
- 2 1. It has an annual or biennial license;
- 3 2. It is on a provisional license for minor, short-term violations not related to staff-to-
- 4 child ratios, supervision, or major health and safety standards; or
- 5 3. A center is on an initial license.
- 6

- 7 G. The license shall be issued as a:
- 8 1. Child care and educational home; or
- 9 2. Child care and educational center. In addition, any of the following specific
- 10 classifications may be included on the license:
- 11 a. School-aged child care and educational center;
- 12 b. Drop-in child care and educational center;
- 13 c. Intermittent child care and educational center;
- 14 d. Center for sick children; or
- 15 e. Preschool.
- 16

- 17 H. A center may hold more than one license classification as identified in subsection G.
- 18

19 **16.55.120 Monitoring, investigations, search warrants.**

20

- 21 A. An applicant for a license, an unlicensed facility or a licensed facility shall cooperate
- 22 with the department in licensing evaluations, in complaint investigations, and in the
- 23 ongoing monitoring of the facility by permitting representatives of the department to
- 24 inspect the facility, review records and interview staff, parents, and children,
- 25 **[WITHOUT THE PRESENCE OF STAFF IF NECESSARY,]** and by providing the
- 26 department, when requested, information and documentation to determine compliance
- 27 with this chapter. **Parental permission should be sought if it is necessary to interview**
- 28 **individual children without the presence of staff.** A person shall not hinder or obstruct
- 29 [INTERFERE WITH] an investigation of a licensed or unlicensed facility conducted by
- 30 the department or a designated agency.
- 31
- 32 B. A licensing representative shall monitor facilities through announced and unannounced
- 33 on- site inspections throughout each year for compliance with this chapter and shall
- 34 investigate allegations of noncompliance with this chapter.
- 35
- 36 C. Following an inspection or investigation related to ongoing monitoring of a licensed
- 37 facility or an unlicensed facility, the department shall notify the facility where violations
- 38 were observed by an inspection report form or other written notice. In the notice, the
- 39 department shall:
- 40 1. Describe the violation;
- 41 2. Set a specific period of time for correction of the violation. Failure to comply with
- 42 any notice issued in accordance with the provisions of this chapter may result in
- 43 suspension or revocation of the license, or other enforcement; and
- 44 3. The notice provided in this section is properly served when:

- a. The inspection report or other notice is delivered personally to the administrator or to the person in charge; or
  - b. Such notice is sent by registered or certified mail, return receipt requested. Mail that is refused delivery or is not picked up shall be hand-delivered and posted at the facility; or
  - c. Such notice is sent to the facility's location by another system to which the provider agrees that assures receipt.
4. A copy of such notice shall be filed in the department.
- D. The department shall refer allegations of violations of other state and municipal laws to the appropriate governmental authority. For the purposes of this chapter, the facility shall allow inspections to determine compliance with all applicable state and municipal laws and regulations, including but not limited to fire, land use, building, food service and environmental health and safety. Code enforcement personnel shall have the authority, upon showing proper credentials, to enter any and all portions of the premises of unlicensed and licensed facilities to examine and investigate to determine if any provisions of this chapter are being violated.
- E. The department may seek a search warrant to inspect a facility if:
  1. The department has probable cause to believe that violations are occurring, including operating without a license in violation of this chapter; or
  2. Evidence cannot be obtained without the protection of a search warrant; or
  3. Entry to a licensed facility for purposes of an inspection has been refused to the department.
- F. If the department does not renew a license, it shall provide the applicant with a notice of non-renewal. The notice shall contain a written statement of the reasons for non-renewal and a form for requesting a hearing under subsection G.
- G. An applicant whose license is not renewed 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 non-renewal.

**16.55.130      Complaints.**

- A. A person who believes a provision of 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 the complaint is not relevant to this chapter.
- C. After an investigation under this section, the department shall prepare a written report of investigation and mail a copy to the administrator and, at the discretion of the department, to another person who is the subject of the complaint, if the individual is someone other than the administrator, and to the complainant if requested. If the department determines

a violation of this chapter or a condition of a license issued under this chapter has occurred, the department's report of investigation shall contain the following:

1. A description of the violation; and
2. A citation to the provision of this chapter that has been violated, if applicable; and
3. Either:
  - a. A date by which the violation shall be corrected and a verification of compliance submitted to the department; or
  - b. A plan of correction.

D. An administrator 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. No facility may take retaliatory action against a person due to the filing of a complaint. In accordance with state law, a complainant against whom retaliatory action has been taken may be able to recover treble damages in a civil action.

**16.55.140 Enforcement action: restriction; suspension; non-renewal; revocation.**

A. If, after an investigation under this chapter, the department determines a violation of this chapter has occurred or grounds for restriction, suspension, revocation or non-renewal set out in this section exists, has issued a report of investigation under subsection 16.55.120C., and has determined 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 administrator or other person who is the subject of the investigation;
2. Restriction in the number of hours of operation, the number or age of children served, or other restrictions;
3. Suspension of operations of the facility for a period of time set by the department;
4. Suspension of new enrollment to the facility for a period of time set by the department;
5. Non-renewal of the license;
6. Revocation of the license;
7. Issuance of an order requiring immediate closure of the facility; or
8. Assessment of an administrative fine or a citation pursuant to municipal or state law for a maximum of \$500 each day a violation continues for any single violation.

B. The department shall provide the administrator or other person who is the subject of an investigation with written notice of the department's decision to take enforcement action under subsection A. The notice shall contain a form for requesting a hearing under subsection 16.55.150D. and shall describe:

1. The condition, if any, in the facility constituting a violation of this chapter;
2. Each enforcement action to be taken; and

3. The administrator's or other person's right to appeal the department's decision to take enforcement action.
- C. In addition to the grounds of a violation of this chapter or a regulation adopted under this chapter, the department may suspend, 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 an individual having contact with children pursuant to subsection 16.55.250B.;
  3. The conviction, indictment, presentment, or charging of an individual having contact with children at any time for a violation or attempted violation of an offense pursuant to subsection 16.55.250B.;
  4. Failure to grant access to any part of the facility, pursuant to subsection 16.55.120E.;
  5. Obtaining or attempting to obtain or retain a license under this chapter by fraudulent means, misrepresentation, or by submitting false information;
  6. Failure to correct a violation described in a report of investigation; or
  7. Failure to comply with a final administrative order issued by the department under section 16.55.150.
- D. Hindering or obstructing in any manner an investigation or inspection of a facility is grounds for non-renewal, immediate revocation, suspension or restriction of the license and other penalties as allowed by law.
- E. An administrator whose license was revoked or not renewed under this chapter 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 non-renewal is permanent, and the former administrator shall not be eligible for licensure under this chapter.
- F. Assessment of an administrative fine under this chapter does not preclude imposition of a criminal penalty under state law.

**16.55.150      Hearings; appeals.**

- A. Hearings concerning a decision by the director to revoke, suspend, not renew or restrict a license governed by this chapter shall be conducted as provided in this section.
- B. If the violation prompting enforcement action under section 16.55.140 presents an imminent danger to the health or safety of the individuals in care, the enforcement action shall be imposed immediately. An enforcement action under this subsection continues for the time period set by the department and may continue until the department issues a report of investigation under section 16.55.120. The hearing procedures shall be conducted according to this section.

- 1 C. If the violation that prompted enforcement action does not present an imminent danger to  
2 the health or safety of the individuals in care, an enforcement action described in a notice  
3 provided under section 16.55.140 may not be imposed until:  
4 1. The time period for requesting a hearing under this section has passed; or  
5 2. The department issues a final decision following a hearing requested under this  
6 section.  
7
- 8 D. Hearing procedures for revocation, suspension, non-renewal, or restriction of a license:  
9 1. An administrator may request a hearing to appeal decisions to revoke, suspend, not  
10 renew, or restrict the license.  
11 2. The hearing request application shall be submitted on the form provided by the  
12 department within 15 days after receipt of the notice to revoke, suspend, not renew, or  
13 restrict the license.  
14 3. The department's administrative hearing officer shall hold the hearing between the  
15 15<sup>th</sup> and the 60<sup>th</sup> day following receipt of the hearing request application; other  
16 hearing procedures shall be conducted according to section 3.60.045.  
17 4. No later than 45 days following the hearing, the hearing officer shall issue a written  
18 decision based on findings and conclusions adopted by the department. The findings  
19 and conclusions shall be specific, clear and precise, and shall convey the reasons for  
20 the decision. The findings of fact and conclusions of law shall be forwarded to all  
21 parties to the appeal.  
22
- 23 E. If a hearing is requested under this section, the department's decision following the  
24 hearing is a final administrative order.  
25
- 26 F. If a hearing is not requested under this section, the department's notice of enforcement  
27 action constitutes a final administrative order, which the department may enforce with  
28 court assistance.  
29

30 **16.55.160 Disclosure of department licensing records.**  
31

- 32 A. Except as listed in 1. through 9. of this subsection, the department's licensing records for  
33 a licensed facility, with the names of all individuals in care and parents of minors in care  
34 redacted or deleted to protect the confidentiality of the individuals, are available for  
35 public inspection upon written request. Non-confidential public files maintained for  
36 routine viewing do not require written request. Records not available for public  
37 inspection are:  
38 1. Information or records considered confidential under municipal, state or federal  
39 statutes, regulations, code or policy, including identities of complainants, unless  
40 release is required by an administrative hearing or other judicial process;  
41 2. Information or records constituting an incomplete licensing or complaint investigation;  
42 3. Information or records that deprive an applicant, administrator, or other person of a fair  
43 and impartial hearing;  
44 4. Information or records constituting an unwarranted invasion of personal privacy;  
45 5. Child abuse and neglect records pursuant to state law;

6. Criminal justice information pursuant to state law;
7. Medical and psychological records;
8. Records protected by confidentiality, privilege status, or principle recognized by a court; and
9. Records, if disclosed, that would interfere with law enforcement proceedings.

- B. The department shall ensure the security of confidential records by providing:
1. Adequate procedures and facilities to protect confidential information from unauthorized access and from accidental or deliberate damage;
  2. Procedures for screening, supervising, and disciplining agency personnel in order to minimize the risk of security violations;
  3. Training to employees working with or having access to confidential information; and
  4. Systems for and encouraging review of the portions of licensing records available to the public, without disclosing confidential material.
- C. The department shall follow the procedures contained in chapter 3.90 for disclosure, denial, reconsideration, and appeal regarding agency records for verbal and written requests for licensing records under this section.

**16.55.170**      **Responsibilities of a governing body in child care facilities.**

- A. A board or other body governing a child care facility shall:
1. Determine policy for the operation and management of the child care facility that meets the requirements of this chapter and provide for implementation and refinement of that policy by an administrator;
  2. Adopt a job description clearly describing the administrator's role and responsibilities;
  3. Appoint an individual qualified under section 16.55.240 as administrator, charged with the active management of the facility, and annually evaluate the administrator's performance;
  4. Approve an annual budget of anticipated income and expenses to provide the services described in its statement of purpose and approve or take corrective action on financial audit reports;
  5. Conduct at least three meetings each year and maintain minutes of all meetings; and
  6. Provide orientation to new board members and biennial training for all board members on the role and responsibilities of a board member.
- B. If a child care facility is not governed by a board or other body, policy for the operation and management of the child care facility shall be determined by the administrator of the facility. Implementation of the policies of the child care facility is the responsibility of the administrator.



**16.55.180**      **Variances.**

- A. The department may grant to an administrator a variance from a requirement of this chapter if the administrator 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 administrator 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 shall contain the following information:
  1. A statement of the requirement for which the variance is requested;
  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 shall be protected during the period of the variance; and
  6. Assurance 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 administrator regarding the variance request; and/or
  4. Evaluate the facility compliance history.
- D. The department's decision approving or denying a variance shall 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 shall state the term of and conditions of the variance.
- E. A variance granted under this section is effective for the time the license is in effect, or for a lesser period as set by the department. After review by the licensing representative, a variance may be automatically renewed unless any condition of the variance has been violated and unless there has been a change in department policy.
- F. If an administrator violates a condition of a variance granted under this section, the variance is terminated.
- G. A variance involving other municipal or state requirements, including but not limited to fire, building, land use, food service and environmental health and safety requirements,

shall be approved by the appropriate municipal or state authority with jurisdiction over the requirement.

**16.55.190**      **Content of license; posting.**

A. A license issued under this chapter shall 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 administrator;
5. The name of the business owner;
6. The location and mailing address of the facility;
7. The maximum number of children at any one time;
8. The age range of children served;
9. The days and hours of operation;
10. All specializations and conditions set by the department relating to compliance with this chapter, including the reasons for provisional status, if applicable;
11. Variances approved by the department for the duration of the license; and
12. The address and telephone number of the department.

B. The administrator shall post the following items adjacent to each other in a conspicuous place in the facility where they are likely to be seen by the public:

1. The current child care and educational facility license;
2. A copy of any variances, approved by the department, not stated on the license;
3. A sign provided by the department which indicates the date of the most recent inspection and how inspections from the last two years may be reviewed.

C. A facility shall comply with the requirements stated on the license.

**16.55.200**      **Administrator.**

A. The business owner, board, or other governing body shall designate an administrator who is qualified under section 16.55.240. The administrator may be the same individual who owns or is otherwise legally responsible for operating the child care facility.

B. The administrator shall exercise authority for the administration of the facility.

C. In a center, the administrator shall designate in writing an associate administrator to be in charge of the center in the administrator's absence, and child development leaders to be in charge in the associate administrator's absence, in accordance with section 16.55.270.

D. In a home, the following requirements shall be met in the absence of the administrator:

1. In case of serious illness, accident, or other emergency, a home shall designate an adult meeting the requirements of subsection 16.55.320F.

2. An on-site adult caregiver shall be designated meeting the age and qualification requirements of section 16.55.240 and at least one year of child care experience, to act on behalf of the administrator in the administrator's absence from the home.
  3. Except for 30 days in any consecutive twelve month period, an administrator must be present at least 75% of the time when children are in care, unless an associate administrator is present who has completed an orientation offered by the department and is qualified under subsections 16.55.250, 16.55.270B., and 16.55.290H.
- E. In a facility, if the administrator is absent for a period exceeding three consecutive weeks, the facility shall designate a person meeting the requirements of section 16.55.270 to act on behalf of the administrator.
- F. In a home, the administrator shall be licensed only in a dwelling unit where the administrator resides or in a place where no one resides.

**16.55.210**      **Child care facility operation and management.**

- A. The administrator shall provide a child care program and building meeting the requirements of this chapter.
- B. A child care facility with one or more staff members shall provide each staff member with his or her own copy of the personnel policies at the time they begin employment or volunteer service and shall review the policies with each staff member. The personnel policies shall include, at a minimum and as applicable:
1. Personnel qualifications;
  2. The job description, including job duties and essential job functions;
  3. Procedures for on-going and annual evaluation;
  4. An equal employment statement;
  5. A termination policy; and
  6. A training plan.
- C. A child care facility administrator shall, either directly or by delegation to the associate administrator:
1. Provide for creation and implementation of a staffing plan;
  2. Provide for screening, hiring, training, scheduling, and supervising of all employees, volunteers, and others who provide services in the child care facility;
  3. Schedule work hours to ensure a child development leader is available to staff and children in a child care center serving 30 or more children, in accordance with section 16.55.270; and
  4. Ensure each staff person receives an annual written performance appraisal and the appraisal is a part of each individual's personnel file. An annual appraisal regarding the administrator shall also be on file, unless the administrator is the business owner.

- 1 D. The person in charge at the facility shall remove any person from contact with children,  
2 and shall not allow any person to return to the facility to work, volunteer, or reside in the  
3 facility, if there is probable cause to believe the person:
  - 4 1. Has used harmful treatment;
  - 5 2. Has abused or neglected a child;
  - 6 3. Has furnished a child with alcohol, tobacco, or a controlled substance; or
  - 7 4. Is in violation of subsection 16.55.250B.
- 8
- 9 E. The person in charge at the facility shall remove any person from the facility who is or  
10 appears to be impaired by alcohol or a controlled substance.
- 11
- 12 F. If the department requests a facility to remove a person from contact with children and  
13 not allow a person to work, volunteer, or reside in the facility on the grounds set out in  
14 subsections D. and E., the department shall inform the person of the grounds for removal  
15 and provide the person with an opportunity to bring to the department's attention any  
16 facts the person believes pertinent to the matter. The department shall excuse or delay  
17 notification to the person if the department determines, in its discretion, notification may  
18 put children at risk of harm or compromise a police investigation. The department shall  
19 not provide the person with any confidential information that may put children at risk of  
20 harm, or may compromise a police investigation.
- 21
- 22 G. A child care center shall adopt and compile facility policies, procedures, program  
23 descriptions, and forms, as applicable, into an operational manual available to staff and to  
24 the licensing representative upon request.
- 25
- 26 H. A child care facility's practices and the practices of the facility's employees or volunteers  
27 shall conform to this chapter, and the facility's policies.
- 28
- 29 I. The administrator shall maintain comprehensive general liability insurance, including  
30 transportation coverage, if applicable, with a company authorized to write insurance  
31 policies in the state of Alaska, in an amount not less than:
  - 32 1. \$300,000 per occurrence, and \$300,000 aggregate, for a facility licensed for 8 or  
33 fewer children;
  - 34 2. \$500,000 per occurrence, and \$500,000 aggregate, for a center licensed for 9 through  
35 40 children; and
  - 36 3. **\$500,000** **[\$1,000,000]** per occurrence, and **\$1,000,000** **[\$2,000,000]** aggregate, for a  
37 center licensed for 41 or more children.
- 38
- 39 J. Verification of the insurance policies shall:
  - 40 1. Be sent directly from the insurance company to the licensing representative;
  - 41 2. List the Municipality of Anchorage as an additional insured; and
  - 42 3. Contain an endorsement giving the department 30 days' prior notice in the event of  
43 cancellation or non-renewal of the policy.

**16.55.220**      **Records.**

- A. A child care facility shall:
1. Establish written records necessary to demonstrate compliance with the applicable requirements of this chapter;
  2. Retain records demonstrating compliance for at least three years from the record's creation; and
  3. Permit a licensing representative to review all records to determine compliance with this chapter, including but not limited to records for all current and former children and personnel, evaluation records, and applicable portions of board or other governing body minutes.
- B. A child care facility shall maintain records on forms prescribed by the department unless the child care facility uses approved alternate forms containing the essential elements of the department forms.
- C. All staff in a child care facility shall maintain confidentiality of information about a child and the child's family. However, the department or its designee is in no way precluded from examining such records to determine compliance with this chapter in its licensing function.
- D. A child care facility shall maintain personnel records for staff as required by section 16.55.250. These records shall include:
1. Starting and ending dates;
  2. Application materials;
  3. Annual and interim performance evaluations;
  4. Orientation and training documentation;
  5. Personnel action memoranda of commendation or reprimand;
  6. Other personnel documents as required by section 16.55.250; and
  7. Similar items.
- E. A government agency providing funding to a facility licensed under this chapter may have access to the facility's records in order to conduct an audit.

**16.55.230**      **Reports.**

- A. A child care facility shall report the following planned changes to the licensing representative in writing as soon as possible, but not later than 90 days before a change in:
1. The business owner;
  2. The location of the facility; or
  3. Services to become a center serving sick children.

- 1 B. A child care facility shall report the following planned changes to the licensing  
2 representative in writing as soon as possible, but not later than 30 days before a planned  
3 change is expected to occur:
  - 4 1. A change in the administrator of the child care facility;
  - 5 2. A change in the name of the administrator of the child care facility;
  - 6 3. A change in the name of the child care facility;
  - 7 4. A change in services requiring a license review, including but not limited to ages or  
8 number of children served, expanded or reduced space, and days or hours of  
9 operation;
  - 10 5. Deletion or addition of a specialization, including nighttime care, under sections  
11 16.55.470 through .490;
  - 12 6. Permanent departure of an individual having contact with children in a child care  
13 facility as required in subsection 16.55.250G.4.;
  - 14 7. Proposed changes in the plan of operation and other information included in the  
15 initial application as required in section 16.55.100; or
  - 16 8. Proposed changes in personnel and parent policies as required by this chapter.
- 17  
18 C. A child care facility shall notify the department in writing at least 20 days before  
19 relinquishing a license.  
20  
21 D. A child care facility shall report the following occurrences to the licensing representative  
22 in writing within 14 days of the planned change:
  - 23 1. Addition of a member of the household:
    - 24 a. In a home, the addition of any member to the home for 45 days or more in a 12  
25 month period, in total, beginning with the first day of the 45, including persons  
26 under 16 years of age;
    - 27 b. In a center, the addition of an adult member to the administrator's or business  
28 owner's household for 45 days or more if at the same site as the center, and the  
29 addition of any person(s) for any length of time to residential space on the same  
30 site as the center if the person has access to center space.
    - 31 c. At the discretion of the department, documentation may be required from the  
32 facility to verify the household member will be in residence less than 45 days.
  - 33 2. Change of mailing address in writing.
- 34  
35 E. A child care facility shall immediately report the following occurrences in facility care to  
36 the licensing representative in writing:
  - 37 1. Death of a child while in care;
  - 38 2. Serious injury or illness of a child while in care requiring attention by medical  
39 personnel outside of the child care facility, including any reportable illnesses as  
40 defined by the department;
  - 41 3. Fire or other disaster affecting the child care facility;
  - 42 4. Child abuse, as required by state law, shall be reported to the state agency responsible  
43 for child protection regardless of whether it occurs in or is related to the facility;
  - 44 5. Harmful treatment and child abuse or neglect occurring while the child is in facility  
45 care shall also be reported to the department;

6. The disappearance of a child from facility care shall be reported to the department and to the appropriate police department as soon as the disappearance is known; or
7. An unplanned change in any item listed in subsections A. and B.

- F. An administrator shall notify the department in writing within 24 hours after receiving knowledge of a conviction, indictment, presentment, or charging by information or complaint, of an individual having contact with children for violation of laws pursuant to subsection 16.55.250B.
- G. A child care facility shall immediately report in writing the following incidents involving a child in care to the child's parent:
  1. Death of a child while in care;
  2. Injury or illness of a child in care requiring attention by medical personnel outside of the child care facility, in accordance with subsection 16.55.390N.2.a.;
  3. Exposure of a child to a contagious condition including but not limited to lice, scabies or a communicable disease, as determined by department policy. Written notification may be a posted notice.
- H. The annual self-monitoring report, an administrator assessment of the facility's compliance with the health, safety, staffing, and program requirements of this chapter, shall be submitted:
  1. To the department on a form provided by the department;
  2. No later than six months after the first anniversary date of the child care facility's license; and
  3. Annually thereafter.
- I. As used in this section, "immediately report" means a report via telephone or in person and in writing, delivered as soon as possible, but no later than 24 hours after the incident.

**16.55.240**      **Qualifications of administrator.**

- A. The administrator of a child care home shall be at least 18 years of age. The administrator of a child care center shall be at least 21 years of age.
- B. An administrator shall 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 shall 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 shall fulfill one of the three educational requirements below:

1. Twelve semester hours of college credit as specified in the following areas or the equivalent:
    - a. At least three college credits shall be in child growth and development;
    - b. Up to nine college credits may be in health and safety, curriculum or classroom management courses for young children; three college credits in management may, in the department's discretion and with documented relevancy, substitute for three of the nine credits;
    - c. Administrators working in centers exclusively for school-aged children:
      - i. May substitute relevant college courses, including but not limited to recreation courses, for the courses in subsection b., with relevancy specifically tied to the activity offered, documented and approved by the department; or
      - ii. May substitute a bachelor's degree in elementary education for the 12 credits.
  2. Hold a current Child Development Associate (CDA) credential; or
  3. Hold a Montessori certificate issued by a program accredited by the Montessori Accreditation Commission for Teacher Education.
- E. In addition to the semester hours required by subsection D., continuing education is required of the administrator of a center as follows:
1. If an administrator does not have a bachelor's degree in child development or the equivalent, the administrator shall participate in continuing education by obtaining at least three semester hours of college credit or forty-five documented clock hours of training relevant to children's care and development every two years; or
  2. If an administrator holds a bachelor's degree in child development or the equivalent, the administrator shall participate in continuing education by obtaining at least three semester hours of college credit or forty-five documented clock hours of training relevant to children's care and development every three years.
- F. In addition to the requirements of this section, an administrator shall meet the applicable caregiver qualifications for the type of child care facility set out in section 16.55.250.
- G. The administrator shall furnish the names, mailing addresses and telephone numbers of four persons unrelated to the administrator, who are not members of the administrator's household, who can provide references. These references shall attest to the character, competence and reputation of the administrator and to the interpersonal and professional skills enabling the administrator to work successfully with children, staff and parents. One reference shall be from a supervisor in a previous work experience, if applicable.
- H. The licensing representative shall assess the qualifications of the designated administrator. If the review shows the person is not qualified under this section, the licensing representative shall inform the child care facility the person is not qualified to serve as an administrator and the child care facility's license is subject to non-renewal or revocation unless a qualified administrator is designated within 30 days.



**16.55.250**      **Qualifications and responsibilities of individuals having contact with children in a child care facility.**

- A. A business owner and an individual having contact with children in a child care facility shall be responsible individuals of reputable character who exercise sound judgment and are truthful and honest.
- B. A business owner or any other individual shall not be in contact with children, work, volunteer, or reside in a child care facility or in any other part of the premises housing a child care facility if the individual has the opportunity to gain access to the child care facility; and
1. Is the alleged perpetrator of an incident of harmful treatment or child abuse or where:
    - a. The department and/or the state agency responsible for child protection has evidence substantiating the allegation; or
    - b. The information available to the department demonstrates the individual's inability to adequately provide care and supervision to children or to meet the requirements of this section.
  2. Has a physical, health, mental health, or behavioral problem to the extent the problem may be detrimental to the health, safety, or well-being of children in care;
  3. Has a domestic violence or alcohol or other substance abuse problem to the extent the problem may be detrimental to the health, safety, or well-being of children in care;
  4. Was the subject of any action regarding preschool certification, registered care status, approved care status, or licensing action in any jurisdiction, if the regulatory agent's decision was:
    - a. Non-renewal;
    - b. Revocation;
    - c. Immediate closure order;
    - d. Suspension, if corrections of non-compliances were not maintained; or
  5. Was:
    - a. Within the last 10 years, under indictment, charged by information or complaint, or convicted of a crime according to department policy, listed in Appendix A; or
    - b. At any time, under indictment, charged by information or complaint, or convicted of a crime according to department policy, listed in Appendix B.
- C. A child care facility and the department may require an individual having contact with children in a child care facility to provide an evaluation from a probation, health, or mental health professional affirming the individual is free from problems potentially detrimental to the health, safety, or well-being of a child in the child care facility.
- D. An individual having contact with children in a child care facility shall not:
1. Use harmful treatment, abuse or neglect a child;
  2. Engage in any exploitive or sexual act with a child; or
  3. Utilize illegal drugs, abuse legal drugs, or consume alcoholic beverages while caring for children.

- 1 E. Criminal justice information, fingerprint cards, and a clearance for licensing/release form  
2 are required for each individual having contact with children in a child care facility who  
3 is age 16 and older, and each individual under age 16 when requested by the department  
4 for cause, as follows:
- 5 1. Except for an occasional non-caregiver staff member, each individual shall submit a  
6 report to an administrator containing criminal justice information at the level  
7 available to an interested person under state law. The administrator shall:
- 8 a. Review the report prior to the individual being employed or otherwise having  
9 contact with children; and
- 10 b. In a home, ensure the original criminal justice report is provided to the licensing  
11 representative:
- 12 i. Before the individual acts as a caregiver in the administrator's absence; or  
13 ii. Within 14 days of the individual becoming a household member.
- 14 c. In a center, ensure the report is provided to the licensing representative:
- 15 i. For approval before hire or contact with children, if the report lists any  
16 criminal history; or
- 17 ii. Within 14 days of the individual having contact with children, if the report  
18 lists no criminal history; and
- 19 iii. In either case, the original report shall be submitted to the licensing  
20 representative within 14 days of any contact with children.
- 21 2. Except for an occasional non-caregiver staff member, each individual shall submit  
22 two fingerprint cards as follows:
- 23 a. In a home, to the licensing representative:
- 24 i. Before acting as a caregiver in the administrator's absence; or  
25 ii. Within 14 days of becoming a non-caregiver household member.
- 26 b. In a center, to the administrator to ensure submission of the cards to the licensing  
27 representative within 14 days of the person becoming employed or otherwise  
28 having contact with children.
- 29 3. Each individual shall submit the clearance for licensing/release form required under  
30 subsection 16.55.100D.15 as follows:
- 31 a. In a home, to the licensing specialist
- 32 i. Before contact with children and before acting as a caregiver; or  
33 ii. Within 14 days of becoming a non-caregiver household member.
- 34 b. In a center, to the administrator who shall:
- 35 i. Submit the clearance form to the licensing representative for approval before  
36 contact with children, if the criminal justice information report lists any  
37 criminal history; or
- 38 ii. Submit the clearance form to the licensing representative within 14 days after  
39 contact with children, if the criminal justice information report lists no  
40 criminal history.
- 41
- 42 F. A licensing representative shall review the following available records of each caregiver,  
43 employee, and individual having contact with children in a child care facility:
- 44 1. Child protection records;

2. International, federal, state, and municipal criminal justice information to the extent provided by law. The licensing representative shall review the criminal history record information, as defined by state law, including:
  - a. Past conviction information;
  - b. Current offender information; and
  - c. Non-conviction information.
3. An evaluation, if requested under subsection C.;
4. Child care records, including complaints, licensing records, and registered and approved home records; and
5. Other state and local records, including but not limited to Permanent Fund Dividend records and/or Department of Motor Vehicle, may be reviewed in order to determine compliance with this chapter.

G. The requirements for fingerprinting shall be accomplished as follows:

1. The initial fee for fingerprint rolling and processing of fingerprint cards for a criminal justice information report on an individual having contact with children in a child care facility shall be borne by the state child care licensing agency, according to state policy;
2. If there is a break in service for a period of six months or more for an individual, age 16 and older, having contact with children in a child care facility, re-rolling of the fingerprints is required, and the fee for all subsequent criminal justice information checks on the individual is the amount charged to the state child care licensing agency by the state Department of Public Safety and shall be paid by the individual or the facility;
3. If the individual previously met the requirements of this section without more than six months break in service, the administrator shall confirm and submit documentation on a form required by the department;
4. When an individual having contact with children in a child care facility permanently departs from a child care facility, the child care facility shall notify the department in accordance with subsection 16.55.230B.6.; and
5. Notice may be received by the licensing representative from the state Department of Public Safety of a new arrest or conviction for a crime listed under subsection B.5. for an individual in a licensed child care facility with fingerprints on file with the state Department of Public Safety.

H. In a facility, a caregiver shall:

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, including responding to a baby's cry as promptly and effectively as possible;
6. Meet a child's health and safety needs;

7. Prevent exposure of children to high risk situations, including exposure to physical hazards and encounters with individuals or animals posing a possible danger;
8. Use strategies to prevent aggressive behavior and to deescalate volatile situations;
9. Act as a positive role model for children, especially with regard to respecting the feelings and rights of others; and
10. Provide an environment that respects the gender, culture, ethnicity, family composition, and special emotional, cognitive, and developmental needs of the individual child.

I. A completed application for employment or volunteering shall be:

1. Required in a facility with one or more staff from each individual in contact with children for more than eight hours in a 30-day period, and from each occasional caregiver staff member.
2. Required from each staff member, except members of the household where the facility is located, as required by the department, providing information necessary to determine whether the staff member has the qualifications required under this section, including either work history or specific whereabouts and activities for the previous two years.

J. The facility shall obtain at least three written references for a prospective staff member, from individuals unrelated to the applicant and not a member of the caregiver's household before the person is allowed to have contact with children. An occasional non-caregiver staff member and any member of the household where the facility is located are exempt from the reference requirements. A reference shall:

1. Be received by the child care facility directly from the individual making the reference;
2. Attest to the individual's ability to work with children, act as a role model for children, and meet the requirements of this section; and
3. If taken by telephone, be:
  - a. Recorded immediately by written notes on a form approved by the department, signed and dated by the individual taking the reference; and
  - b. Received in writing directly from the individual making the reference within 30 days after the employee's start date.

K. Except for occasional non-caregiver staff, each staff member shall meet tuberculosis clearance requirements as stated in the state child care facility licensing requirements.

L. In a center, a physical examination report shall be:

1. On file as part of the personnel records for each individual having contact with children, except for occasional staff;
2. In accordance with subsection 16.55.260B. for junior helpers;
3. Conducted by a licensed physician, physician's assistant or nurse practitioner;
4. Obtained at the time of hire, defined as no more than 30 days before, or if necessary, 30 days after, the start of employment or volunteer activity. The administrator or

- 1 department may request a physical exam based on circumstances or change in
- 2 medical status (e.g., after long illness or hospitalization); and
- 3 5. Recorded on a form approved by the department.
- 4

5 M. In a center, a self-prepared health history shall be:

- 6 1. On file as part of the personnel record for each individual having contact with
- 7 children, except for junior helpers and occasional non-caregiver staff;
- 8 2. Completed annually after the first year;
- 9 3. Recorded on an approved department form; and
- 10 4. On file in intermittent centers prior to contact with children, and at the beginning of
- 11 every program segment thereafter.
- 12

13 N. If an applicant or administrator requests a variance under section 16.55.180 on behalf of  
14 an individual who has or will have contact with children in the facility and who is subject  
15 to a prohibition set out in subsection B.5., the facility shall supplement the variance  
16 request with a written comprehensive rationale, documents, and information specified in  
17 this subsection to demonstrate the health or safety of children in care is adequately  
18 protected. The applicant or administrator's rationale shall include copies of all known  
19 information relevant to determining whether the health or safety of children in care is  
20 adequately protected, including the following information:

- 21 1. A copy of the individual's record of:
  - 22 a. Protective orders concerning domestic violence;
  - 23 b. Conviction; and/or
  - 24 c. Indictment or charging by information or complaint.
- 25 2. Information pertaining to the individual's incarceration:
  - 26 a. A copy of the order from the local, state, or federal jurisdiction releasing the
  - 27 individual from incarceration;
  - 28 b. The date the individual was released from incarceration; and
  - 29 c. The terms and conditions of parole.
- 30 3. Information pertaining to the individual's probation, including but not limited to the
- 31 terms and conditions of probation;
- 32 4. The extent, nature, and seriousness of the offense, past criminal record, and any
- 33 physical, health, mental health, behavioral, domestic violence, alcohol, or substance
- 34 abuse problem;
- 35 5. The age at the time of the offense;
- 36 6. The amount of time elapsed since the most recent offense;
- 37 7. Evidence of rehabilitation, safety, prevention, or treatment efforts;
- 38 8. Other evidence of present fitness, including letters of recommendation from
- 39 correctional officers who had custodial responsibility or any other person in contact
- 40 with the individual. Letters shall be from individuals unrelated to the individual and
- 41 not a member of the individual's household on whose behalf the variance is
- 42 requested; and
- 43 9. If the individual is an employee, volunteer, potential employee, or potential volunteer,
- 44 information related to job responsibilities, plans for supervision, and hours and days
- 45 of service.

O. For purposes of this section, the department shall not consider an individual having contact with children in a child care facility based solely on the child care facility supervision or agreement to supervise the individual.

P. In this section:

1. "Child abuse or neglect" has the meaning given that term under state law;
2. "Indictment" includes presentment or charging by information.

**16.55.260**      **Caregiver age requirements and additional qualifications for adolescent staff.**

A. A caregiver in a child care facility shall be at least 18 years old to count toward the caregiver-to-child ratio requirements of section 16.55.330, except in a center, an individual age 16 or 17 who is a caregiver aide may be counted if:

1. The individual has completed a child care training course and been approved by the department;
2. The individual works under the direct supervision of and in the same room as an adult caregiver with only one caregiver aide under direct supervision at a time;
3. The individual meets the same requirements, except for the age requirement, in section 16.55.250; and
4. Caregivers under the age of 18 constitute no more than one-fourth of the total caregiving staff on duty when the caregiver aide is on duty.

B. Facilities using junior helpers shall meet the following:

1. Ensure the junior helper demonstrates compliance with requirements of this chapter;
2. Before contact with children, the junior helper shall submit:
  - a. An application to work or volunteer, unless a member of the administrator's household;
  - b. One written reference from an unrelated person, unless the helper is a member of the administrator's household;
  - c. Current tuberculosis clearance as required by state child care facility licensing requirements, if 16 or 17 years old;
  - d. In a center, a physical exam, which shall be renewed biennially thereafter;
  - e. Clearance for licensing/release form authorizing review of juvenile justice information to the extent allowed by law when determined by the department; and
  - f. In centers, a record of current emergency information and current immunization record.
3. Complete orientation for the junior helper, and, if working with babies, documentation of basic infant care orientation approved by the department;
4. Complete annual or interim performance appraisals; and
5. Assign only one junior helper to an adult staff member.

**16.55.270 Associate administrator; child development leader.**

- A. A child care center shall designate one on-site associate administrator or other child development leader(s) to provide coverage of one child development leader to each 30 children in attendance, or part thereof.
- B. The associate administrator shall:
1. Meet all the qualifications of the administrator;
  2. Be in charge of the center when the administrator is not on site;
  3. In a home, be in charge in accordance with subsections 16.55.200D.3. and E.
  4. In a center, be scheduled and in the facility when the administrator is not, except for occasional short absences, such as brief illness, training, and center-related business, or absences due to infrequent vacations or illness, extending no more than three consecutive weeks in a 12 month period.
- C. A child development leader shall:
1. Be at least 21 years of age;
  2. 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 staff of the center;
  3. Have responsibility for the center in the absence of the associate administrator according to a chain of command developed by the administrator;
  4. Be scheduled and in the center except for short absences as provided in subsection B.4.;
  5. Have the same education qualifications as an administrator as provided in subsection 16.55.240D.;
  6. Meet the continuing education requirements of an administrator as specified in subsection 16.55.240E.;
  7. Meet the staff qualifications in section 16.55.250; and
  8. Function as caregivers or advisors to staff, serving as role models for other caregivers, and advising staff regarding class management techniques, equipment selection and use, activities and lesson plans, classroom observations and recommendations, classroom schedules, and working with and developing plans for individual children.
- D. If the administrator is on-site performing the role of a child development leader, the administrator may count as a child development leader.

**16.55.280 Supervision of staff.**

A child care facility with one or more staff shall ensure an inexperienced caregiver is accompanied by an experienced caregiver until the inexperienced caregiver is able to effectively safeguard the health and safety of the children in care.

**16.55.290      Orientation and training.**

- A. A child care facility with one or more staff shall provide an orientation to each caregiver including:
1. Designation of the supervisor to whom the caregiver is responsible;
  2. A description of the organization of the facility, policies and procedures, and program approach;
  3. The caregiver's duties and responsibilities;
  4. Emergency and safety procedures including effective techniques of evacuating children, staying inside when appropriate, handling individual child injuries, and responding to wide spread emergencies;
  5. Discipline and behavior management techniques to promote a child's ability to be self-disciplined;
  6. Instructions on early signs of illness, screening procedures, universal precautions, and prevention of contagious and infectious diseases;
  7. Material and equipment available to carry out responsibilities;
  8. The requirements of this chapter;
  9. Satisfying special needs of specific children, where appropriate, including:
    - a. Creating an awareness of development normal for each child in care with special needs;
    - b. Characteristics of the specific chronic illness or disability of each child in care with special needs;
    - c. Methods of mainstreaming each child in care with special needs; and
    - d. Modifications of environment, materials and activities to accommodate the specific children with special needs in care.
- B. The orientation required in subsection A. shall begin at the time of employment or volunteer service, be a minimum of four hours, and be completed within the succeeding four weeks. Orientation shall be documented and kept in the staff personnel file.
- C. Training hours required in this section are clock hours and, except as provided in subsection E., may include any training relevant to the caregiver's job responsibilities, including but not limited to:
1. A review of relevant materials described in subsection A.;
  2. Health, infection control, and safety;
  3. Principles of child growth and development;
  4. Principles of child care;
  5. Planning age appropriate learning activities;
  6. Guidance and discipline techniques;
  7. Linkages with community services;
  8. Communication and relations with families;
  9. Detecting and reporting child abuse and neglect;
  10. Interpersonal violence; and



11. Other topics as appropriate, including informal training to increase caregiver skills, including but not limited to video tape reviews, book and magazine reviews, and staff meetings when relevant.

D. Documentation of training required in this section in a center shall be on a form approved by the department to include the date, subject, method of training, duration, and the name of the individual who conducted the training. In a home, training certificates shall be available for review.

E. For a caregiver providing care for infants and toddlers, one hour of the annual training required in subsections G. and H. shall cover:

1. Recognizing and preventing shaken baby syndrome;
2. Preventing sudden infant death syndrome; and
3. Identifying infant and toddler developmental levels and needs.

F. Provisions for first aid- and CPR-certified staff shall be made as follows:

1. Except when a caregiver is providing care in a child care home for less than eight hours in a 30 day period, a child care facility shall have on duty at all times when children are present, whether on-site or off, at least one caregiver with age appropriate and valid first aid and cardiopulmonary resuscitation (CPR) certification for every 20 children, or part thereof, in attendance.
2. If groups of children split up while off site, one appropriately certified staff member shall accompany each group for every 20 children.
3. In centers at all times, at least one infant caregiver with current infant first aid and infant CPR certification shall be in the infant area for each 20 or fewer infants.
4. A currently certified emergency medical or trauma technician on duty satisfies the requirements of this subsection for one CPR- or first aid-certified person.
5. For purposes of this subsection, valid certification in CPR and first aid means certification resulting from attendance at hands-on instruction and demonstration of competencies.

G. A child care center shall ensure each caregiver, except for a child development leader, associate administrator and an administrator, receives a minimum of 20 hours of training a year. The 20 hours shall be in addition to:

1. Orientation required under subsection A.; and
2. Training in CPR and first aid required under subsection F.

H. Unless an occasional staff member, a caregiver in a child care home shall:

1. If licensed for six or fewer children, complete a minimum of 15 hours of training annually; if licensed for seven or eight children, a minimum of 20 hours of training annually is required;
2. Receive training hours in addition to:
  - a. Orientation required under subsection A.; and
  - b. Training in CPR and first aid required under subsection F.; and

3. Complete at least 75% of the required hours of training by attending formal training classes, such as child care conferences, classes through local resource and referral agencies, and food program training classes. Alternate sources of training shall be approved according to department policy.

- I. A caregiver in a home may count orientation and pre-service training hours required under subsection 16.55.100A. exceeding six hours toward caregiver training hours required under subsections G. and H.

**16.55.300**      **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 from the child's parent including:
  - a. Information about the child's drug or other allergies;
  - b. Information about on-going medication the child is taking, or medical or other on-going treatment required for the child;
  - c. Information on how to contact the child's parent and at least one other local emergency contact individual;
  - d. Written permission for emergency transport to and emergency care at health care facilities, signed by the parent;
  - e. Permission for emergency treatment;
  - f. A hospital and physician of choice, designated by the parent; and
  - g. An individual, at least 16 years of age, designated to drop off or pick up children.
2. Maintain current and complete required information on a form provided or approved by the department, reviewed and updated at least quarterly.

- B. At or before a child's admission, a child care home shall obtain written permission from the parent to take the child from the facility premises, regardless of the mode of transportation. Permission shall include at least the following destinations as applicable: local park or playground, school, and local retail and food establishments.

- C. A child care facility shall not admit a child when admission would place the child care facility outside of the conditions on the facility's license.

- D. At or before the admission to a child care facility of a child identified as having special needs, the child care facility shall collaborate with the child's parent in developing and implementing a plan of care for the child. The plan of care for the child:
  1. Shall be approved by the parent and the caregiver responsible for the care of the child and shall be signed and dated by the parent, the caregiver, and the administrator of the facility;
  2. Shall be based on the following information, to the extent the parent consents in writing to disclose the information:
    - a. Results of medical and developmental examinations;
    - b. Assessments of cognitive functioning or current overall functioning;

- c. Evaluations of the family's needs, concerns, and priorities;
  - d. The current individualized family service plan (IFSP) developed under state law or current individualized education program (IEP) developed under state law, if any; and
  - e. Other evaluations as needed.
3. Shall address any specific services the child care facility provides in functional outcome objectives, along with the designated responsibility for provision and financing;
  4. Shall list any additional services, including educational or therapeutic services, the child is receiving from other service providers, and shall identify the providers of those services; and
  5. May contain permission from the parent for the child care facility to contact providers of additional services and the child's IFSP coordinator, if any.
- E. A child care facility shall review information provided about a child under subsection D. in order to determine whether the child care facility can satisfy the child's needs. If, after reviewing the information and the application, the child care facility determines the child's needs can be satisfied, the child care facility may admit the child. If the child care facility has reason to believe that, even with reasonable accommodation, the child care facility cannot meet the needs of the child, the child care facility may deny admission to the child.

**16.55.310**      **Information for parents.**

- A. A child care facility shall supply a parent with the following information in writing at or before a child's admission and when subsequent changes are made:
1. Facility's business name, physical and mailing addresses, contact information including telephone number, and fax and electronic mail addresses, if applicable;
  2. Enrollment requirements and procedures, including the facility's policy regarding the admittance of children exempt from immunization requirements;
  3. Fees and payment requirements;
  4. Hours and days of operation, including holidays;
  5. Provisions for children with special needs;
  6. Provisions for nighttime care, if applicable;
  7. In centers, a summary of the plan for supervision, required by subsections 16.55.320A. – C.;
  8. Number and ages of children served;
  9. Policy and provisions for ill children, including parent or guardian permission for medication and topical products, if applicable;
  10. A typical daily schedule of activities for each age group of children for which the facility is licensed;
  11. Nondiscrimination policy as required by state law and chapter 5.20;
  12. Liability insurance coverage, and if applicable, transportation coverage;
  13. Rules concerning personal belongings brought to the facility;

14. Smoking in compliance with subsection 16.55.440F. and, in a home, informing parents of any smoking at the facility;
  15. Outdoor play under various inclement weather conditions;
  16. Accessibility of animals, including fish, insects, and reptiles, and the degree of access by children;
  17. Child abuse reporting policy, per state law;
  18. Television and video cassette viewing, games, and computer use policy, in compliance with subsection 16.55.350A.8.;
  19. Behavior guidance practices, in compliance with section 16.55.360.
  20. Meals and snacks served;
  21. Parent permission policy for activities away from the facility;
  22. Transportation arrangements and policies, including to and from the facility if provided, special trips, and in emergencies;
  23. Parent access and visiting policy;
  24. Use of volunteer, substitute, and emergency caregivers;
  25. Confidentiality statement, in accordance with subsection 16.55.220C.;
  26. Information provided by the department about:
    - a. A parent's role to help ensure a reasonably safe and developmentally appropriate environment;
    - b. Summarized regulatory requirements applicable to the facility, in order to encourage parents of children in child care facilities to become involved in day-to-day monitoring of the care provided by the facility; and
    - c. The investigation role of the department, including the investigation of complaints, department telephone number, and location of the department; and
  27. Parent notification policy on changes in programs and policies.
- B. A child care facility shall maintain resources for parents. At least one copy of a book, video tape, or other resource on parenting, child development, behavior management, child health and safety, literacy, learning activities for children, or a similar topic shall be available for parent use for each five children in care.

#### **16.55.320      Supervision of children.**

- A. A child care facility shall ensure the children in its care receive responsible supervision appropriate to their age, developmental needs, and activity. A child care facility shall provide a staffing plan, where applicable, and a plan for supervision of children.
- B. A child care facility shall ensure children are always under supervision by a caregiver, except when providing a degree of freedom to a school age child, appropriate to age and developmental level. A child care facility shall ensure:
1. Children are supervised at all times, even when the children are sleeping:
    - a. In a center, supervision requires the caregivers are in the same room or group area, in close proximity, focusing on children, and able to directly see, hear and quickly respond to children, except a caregiver is not required to be in the restroom, if the restroom entrance is in the classroom; or

- b. In a home, the caregiver shall stay on the same level of the facility as the children during nighttime care. Children under the age of nine years, who are sleeping or resting, shall be closely monitored through the use of electronic monitoring or physical checking at least every 15 minutes to ensure the caregiver is able to detect when the child is awake or potential emergencies arise.
  2. Caregivers in a center shall both see and hear sleeping infants.
  3. Caregivers shall be in close proximity to children.
  4. In a facility, a child seven years of age and older may participate in activities and visit friends away from the facility's licensed space, if the plan for getting there is:
    - a. Safe and developmentally appropriate; and
    - b. Approved in writing by the child's parents and by the facility.
  5. In a home, a five or six year old child, [UNDER AN APPROVED PLAN AND] with written approval by the parent and the facility, may go to and from school without adult supervision.
  6. Caregivers shall know the whereabouts of the children in their care at all times.
  7. In a home, visitors of any age shall be monitored to ensure visitors are never left alone with child care children.
  8. In a home, written permission is obtained from the parent for a child age seven or older to play outdoors on the facility's property without an adult escort.
- C. In its written plan for supervision required by subsection A., a child care center shall include:
  1. Supervision indoors, outdoors, and in areas requiring closer supervision;
  2. Caregiver-to-child ratios by room;
  3. Field trip supervision; and
  4. A description of the manner in which the requirements set out in subsection B. shall be met.
- D. A child care facility shall maintain attendance records reflecting the time caregivers are present and children are in care:
  1. Attendance records shall be kept current as children and staff arrive and depart, shall be up-to-date, and shall be available for review at all times.
  2. In a center, records shall be kept by room or group.
  3. In a home, attendance records shall contain the names of all children present on one form.
- E. A caregiver in a child care facility may participate in duties other than direct care of children and be counted toward the caregiver-to-child ratios required under this chapter as long as the caregiver remains on duty and the caregiver's primary responsibility continues to be the direct care and supervision of children. However, child care facility staff counted toward caregiver-to-child ratio requirements shall be awake at all times during which they are counted, unless there are five or fewer children in care during nighttime care in a home.

- 1 F. A child care home shall designate an adult known by the administrator to be of good  
2 character, who is available to assist in case of serious illness, accident, or other  
3 emergency. If this adult assists only in emergency situations for a part of the day during  
4 the emergency, the caregiver qualifications set out in subsection 16.55.210C.4.,  
5 section 16.55.250, and subsections 16.55.290A. and H., and the ability to administer CPR  
6 and first aid in a child care facility, are not required.  
7
- 8 G. A child care facility shall prevent exposure of children to individuals, animals, and  
9 situations posing a possible danger. A child care facility shall not expose a child to high-  
10 risk activities or hazards including but not limited to:  
11 1. Using a mobile infant walker;  
12 2. Walking along cliffs or a river edge;  
13 3. Riding an all-terrain vehicle of any type;  
14 4. Riding a snowmobile;  
15 5. Playing near any body of water without constant supervision;  
16 6. Playing with propelled objects without constant supervision;  
17 7. Boating without a personal flotation device or in dangerous water conditions;  
18 8. Using a standard or large trampoline; or  
19 9. Riding a motorized, child-sized vehicle.  
20
- 21 H. A child care facility shall:  
22 1. Obtain written parent permission for a child seven years of age and older to  
23 participate in activities and visit friends off premises, according to this section;  
24 2. Obtain written permission from the parent for a child to participate in moderate risk  
25 activities, including but not limited to swimming, walks to a lake front beach, water  
26 parks, vehicle trips, or horseback riding. When a specific activity is held repeatedly  
27 on a scheduled basis, the parent may sign off once for the series; and  
28 3. Arrange for use of appropriate safety equipment, including a well-fitting helmet for  
29 activities including but not limited to rollerblading or riding a bicycle, skateboard, or  
30 scooter.  
31

32 **16.55.330 Child-to-caregiver ratios in child care facilities.**  
33

- 34 A. Except as provided in subsection H., a child care home shall have:  
35 1. A minimum of one caregiver;  
36 2. No more than six children under 13 years of age at any one time if licensed under an  
37 initial license;  
38 3. No more than eight children under 13 years of age at any one time if licensed on an  
39 annual, biennial, or provisional license for eight or fewer children;  
40 4. Children 11 years of age and younger who live in the home count in the child-to-  
41 caregiver ratio when present. The home shall submit a plan demonstrating ratios shall  
42 be met when children living in the home are present because of unusual  
43 circumstances, including but not limited to illness and school closures;  
44 5. No more than three children under the age of 30 months; and  
45 6. No more than two children shall be non-ambulatory.

- B. Except as provided in subsections E. and F., a child care center shall maintain, during all hours of operation, the following child-to-caregiver ratios and the following group size as required by section 16.55.340:

1. Age of Children	2. Term for Child's Age Group	3. Number of Caregivers	4. Number of Children	5. Maximum Group Size (Children to Caregivers)
A. 6 weeks through 11 months, or older if not walking independently.	Infants	1	4	8:2
B. 12 through <b>18 [24]</b> months	Toddlers	1	5	10:2
C. <b>19 [25]</b> through 35 months	Toddlers	1	6	12:2
D. 36 months through 5 years (if not in school)	Preschoolers	1	10	20:2
E. 5 through 12 years	School age	1	10	20:2
F. 13 through 17 years	School age	1	20	40:2

- C. In a center, in groups where age ranges are mixed, the child-to-caregiver ratio for the youngest child shall apply.
- D. In a center, ratios required in subsection B. **may temporarily increase if all children are asleep and other caregivers are on site and readily available. This temporary increase shall not exceed the State mandated ratios. [shall be maintained during sleep periods.]**
- E. A center shall not care for infants younger than six weeks.
- F. In a center, there shall be sufficient numbers of caregivers to meet individualized needs for care and safety of each child with special needs.
- G. In a center, there shall be a minimum of two caregivers in licensed center space at any time children are present.
- H. In a home, for purposes of meeting the child-to-caregiver ratio requirements in subsection A., a child in care who is age 13 or older shall be counted as a child under age 13 who is school aged.
- I. The caregiver-to-child ratio in section 16.55.410 shall apply when children are being transported.
- J. In this section, "non-ambulatory" means not physically or mentally capable of achieving mobility to exit a building without aid of another individual.

**16.55.340**      **Maximum group size in child care centers.**

- A. A child care center shall organize a learning environment so children may participate in activities individually and in small groups, and the development of each child is supported.
- B. A child care center shall provide environmental cues to children indicating an interest or activity center and facilitate a limited number of children at the interest or activity center. Environmental cues include the use of visible barriers, partitions, colored rugs, and tables with a limited number of chairs.
- C. A caregiver shall be assigned to and be primarily responsible for the caregiver's own ratio of children. The child care center shall provide each primary caregiver information about the child's habits, interests, progress, and special problems, if any, and shall assign the primary caregiver responsibility for knowing that information.
- D. Each group of children younger than school age shall be:
  - 1. Assigned to a fully equipped classroom or well-defined space containing the required sinks and toilets and allowing for the easy viewing of activities within the space; and
  - 2. Cared for in their primary group, which shall not exceed twice the ratio size, for the majority of each child's day.
- E. Each group of children in school-age programs shall be assigned to a room or area serving as its "homeroom," and children may move into and among various activities in other school age rooms.
- F. Maximum group size at any one time during the day shall not exceed twice the maximum number of children allowed per caregiver as required by the child-to-caregiver ratio in section 16.55.330. Centers licensed on the effective date of this chapter with a larger group or groups of no more than 2.5 times the required child-to-caregiver ratio size may continue, if a plan is submitted meeting the intent of this chapter and approved by the department within six months of the effective date.
- G. If a group of children contains a combination of age groups, or if age groups are combined, the maximum group size at any one time during the day shall not exceed twice the maximum number of children allowed under the child-to-caregiver ratio in subsection 16.55.330B. for the youngest child within the group.
- H. More than one group may be assigned to a room.
- I. Groups may be combined or divided during outside play, naptime, field trips and for other special events, including but not limited to a holiday party or a visit from a special guest.



**16.55.350 Program in child care facilities.**

- A. A child care facility shall provide structure and daily activities designed to promote a child's individual physical, social, intellectual, and emotional development and positive identity. In a center, program philosophy and curriculum content shall be at the direction and implementation of the center. Satisfactory compliance with this subsection requires:
1. Except for a drop-in center, a facility generally follows a schedule and daily plan of activities for each age group providing a balance of quiet and active, group and individual activities, and including time for meals, snacks, sleep, rest, fresh air, toileting according to individual needs, and indoor and outdoor play; for purposes of this paragraph:
    - a. A center shall provide the schedule and activity plan in writing; or
    - b. In a home, the schedule and plan need not be written, except a typical daily schedule and plan shall be presented at the time of application for a license.
  2. Opportunities shall be provided for individual self-expression in conversation, imaginative play, and creative expression;
  3. Opportunities shall be provided for a minimum of 20 minutes of vigorous physical activity indoor or outdoor, for every three hours the facility is open between the hours of 7:00 a.m. and 7:00 p.m.;
  4. Except for a drop-in center, a facility shall meet the following requirements for outdoor activity when weather and the individual child's tolerance permit:
    - a. Children in full day center programs shall be provided with supervised activity outdoors twice daily; **[AND]**
    - b. **Preschool children [CHILDREN OF ANY AGE]** in half day programs, children **younger than school age** in child care homes, and children younger than 12 months and not yet walking, shall be provided **opportunities for [WITH]** supervised **activities [ACTIVITY]** outdoors daily; **[.] and**
    - c. **School age children shall be provided opportunities to go outside daily.**
  5. Opportunities shall be provided for each child to foster independence, such as but not limited to taking out and putting away materials, dressing and undressing, feeding solid foods, and caring for the child's own clothing and bedding;
  6. Opportunities shall be provided for intellectual and social development through use of a variety of:
    - a. Activities and materials such as but not limited to games, toys, books, crafts, puzzles, and blocks;
    - b. Props for pretend play;
    - c. Sensory materials, such as but not limited to sand;
    - d. Art and language materials, such as but not limited to crayons and paint; and
    - e. Specific age-appropriate materials.
  7. Opportunities shall be provided for language development, including reading to children and encouraging children to talk and read books;
  8. **Television, digital video display, video cassette viewing, and computer/video game use shall not exceed one and one half hours in a 24 hour period, with exceptions made for special occasions. Such use shall be limited to programs**

**and games specifically designed for the interest and benefit of the child.**  
**Computer learning activities may not exceed two hours a day.**

**[8. TELEVISION, DIGITAL VIDEO DISPLAY, VIDEO CASSETTE VIEWING, COMPUTER AND VIDEO GAME USE, AND COMPUTER LEARNING ACTIVITY USE SHALL BE:**

- A. LIMITED TO PROGRAMS, GAMES, AND ACTIVITIES SPECIFICALLY DESIGNED FOR THE INTEREST AND BENEFIT OF THE CHILD; A CHILD SHALL BE GIVEN THE OPTION OF SUPERVISED ALTERNATIVES TO WATCHING TELEVISION, DIGITAL VIDEO DISPLAY, VIDEO CASSETTES, COMPUTER AND VIDEO GAMES, OR COMPUTER LEARNING ACTIVITIES;**
- B. DEVELOPMENTALLY APPROPRIATE;**
- C. LIMITED BY THE AGE OF THE CHILD AS FOLLOWS AND TURNED OFF AT ALL OTHER TIMES:**
  - I. INFANTS SHALL NOT USE THEM;**
  - II. TODDLERS SHALL NOT EXCEED ONE HOUR A DAY;**
  - III. PRESCHOOL CHILDREN SHALL NOT EXCEED TWO HOURS A DAY, WITH ONLY ONE AND ONE HALF HOURS A DAY SPENT IN VIEWING TELEVISION, DIGITAL VIDEO DISPLAY, VIDEO CASSETTES, OR COMPUTER AND VIDEO GAME USE;**
  - IV. EXCEPT FOR SPECIAL OCCASIONS, INCLUDING BUT NOT LIMITED TO A MOVIE, SCHOOL AGED CHILDREN SHALL NOT EXCEED TWO AND ONE HALF HOURS A DAY, WITH ONLY ONE AND ONE HALF HOURS A DAY SPENT IN VIEWING TELEVISION, DIGITAL VIDEO DISPLAY, VIDEO CASSETTES, OR COMPUTER AND VIDEO GAME USE; AND**
  - V. IN HOMES, WHEN AGE GROUPS ARE COMBINED, VIEWING TELEVISION, DIGITAL VIDEO DISPLAY, VIDEO CASSETTES, OR COMPUTER AND VIDEO GAME USE SHALL NOT BE THE PRIMARY ACTIVITY FOR INFANTS AND TODDLERS BEYOND THE LIMITS ABOVE.]**

- B. In addition to the requirements in subsection A., a facility providing care for infants or toddlers shall:**
  - 1. Not leave a child awake in a crib, swing, or similar device for more than 15 minutes without direct adult contact;**
  - 2. Provide opportunities for a child to develop a caring and nurturing relationship with and attachment to one or a small number of consistent caregivers, rather than by a series of caregivers, whose care for and responsiveness to the child ensure relief of distress, experiences of stimulation, comfort, and satisfaction of the need for a connection with the child's caregiver;**
  - 3. Provide frequent verbal communication throughout the day, especially during feeding, changing, and cuddle times;**

4. Provide physical contact through holding, rocking and play, as well as bathing, dressing, and carrying a child;
5. Allow infants and toddlers, under supervision, to explore and learn on their own outside of a playpen or other restraining device; and
6. Ensure children through 18 months are placed on their backs to go to sleep, unless otherwise ordered by a physician.

C. In addition to the requirements in subsection A., a facility providing care for school-age children shall provide:

1. A program supplementing rather than duplicating the child's school activities, providing a change of pace and interest between school and the child care program;
2. Freedom appropriate to the age and developmental level of the child, and opportunities for self-reliance and social responsibility;
3. Opportunities for school-age children to participate in the selection and planning of their own activities; and
4. In centers, separate space, equipment, and supplies for school-age children.

D. Children in care and the caregiver's own children in a facility shall be treated equitably.

E. Parents with children enrolled shall be encouraged to visit the facility during child care hours to observe or participate with their child, and shall be provided access to their children and to all areas of the facility used by them.

F. In addition to meeting the requirements in subsection A., a facility providing care for children with special needs shall:

1. Include children with special needs and children without special needs in all activities possible;
2. Implement the plan of care developed as required in section 16.55.300 for each child with special needs to enhance the child's health and developmental status;
3. If a facility suspects a child has a special development or health need, the facility shall provide information to substantiate the concern to the parents, and provide information regarding the location of appropriate diagnostic evaluation and treatment sources;
4. If a child is identified as a child with special needs after the child's admission to a child care facility, develop a plan of care under subsection 16.55.300D. for the child, unless the child care facility is unable with reasonable accommodation to meet the needs of the child and discharges the child; and
5. Monitor the effectiveness of each child's plan of care and conduct scheduled reassessments every six months of each child's plan of care.

**16.55.360 Behavior guidance.**

- A. To reduce risk of harm, a child care facility shall help a child to develop age appropriate patterns of behavior fostering constructive relationships and increasing ability to deal with everyday life.

- 1 B. A child care facility shall provide for positive reinforcement, redirection, the setting of  
2 realistic expectations, and clear and consistent limits.  
3
- 4 C. A child care facility shall not use discipline or a behavior management technique that is  
5 cruel, humiliating, or otherwise damaging to a child.  
6
- 7 D. A child in care shall not be:  
8 1. Removed from the other children for more than 10 minutes, except as provided in  
9 subsection F.:  
10 a. Before removing a child, the caregiver shall use appropriate social, emotional, and  
11 developmentally appropriate behavior guidance techniques;  
12 b. Children removed from other children shall be constantly supervised;  
13 c. Children removed from the group for any reason shall not be purposely [PLACED  
14 "IN THE CORNER" OR IN OTHER LOCATIONS CAUSING THE CHILD TO  
15 FEEL] humiliated; and  
16 d. Children removed from the group for other than out of control behavior shall be  
17 removed for a maximum of one minute per age of the child.  
18 2. Disciplined in association with food or rest;  
19 3. Punished for bedwetting or actions in regard to toileting or toilet training;  
20 4. Subjected to discipline administered by another child;  
21 5. Subjected to verbal abuse, to derogatory remarks about the child or members of the  
22 child's family, or to threats to expel the child from the child care facility;  
23 6. Placed in a locked room;  
24 7. Physically restrained, except passive physical restraint may be used when necessary  
25 to protect a child from harm, to protect persons on the premises from physical injury,  
26 or to protect property from serious damage;  
27 8. Mechanically restrained, except for a protective device including but not limited to a  
28 seatbelt; or  
29 9. Chemically restrained, except on the order of a physician and subject to the  
30 provisions of section 16.55.370.  
31
- 32 E. In a center, if the behavior of a child becomes a risk to the child, other children or staff, a  
33 member of the staff shall be designated to be responsible for supervising the child.  
34
- 35 F. In a child care facility, when a child has a pattern of out of control behavior, the child  
36 may be removed from other children until the child's behavior stabilizes. In addition, the  
37 child care facility shall develop a plan with the child's parent to address the behavior  
38 issues. In this section "out of control behavior" includes, but is not limited to, throwing  
39 objects, being physically aggressive toward others, continued biting, screaming or  
40 cursing with inability to calm down or stop, or hurting oneself, except when these  
41 behaviors are appropriate to the developmental stage of the child.  
42
- 43 G. In a child care facility, discipline or consequences shall:  
44 1. Be appropriate to the child's age and development;  
45 2. Be related to the behavior;

3. Be articulated to the child through an explanation to the child before and at the time of the disciplinary action; and
4. Be administered immediately by the caregiver primarily responsible for the child.

H. Corporal punishment shall not be used on a child in care.

**16.55.370 Medication and topical products.**

A child care facility may administer medication only under the following conditions:

- A. The child care facility shall first obtain written permission from the child's parent to administer any topical products, in accordance with department policy, and medication to the child, including commonly used nonprescription medication as specified in subsection C. or contained in the first aid kit required by subsection 16.55.440K. Written permission received by facsimile is acceptable for topical products and for prescription medications left at the facility that day.
- B. Over-the-counter medication, including but not limited to non-aspirin fever reducers, naturopathic remedies, and vitamin and mineral supplements:
  1. May be provided by the child's parent;
  2. Shall be in the original container with the original manufacturer's label intact;
  3. Shall be labeled with the child's name;
  4. Shall be given only at the dose, duration, and method of administration specified on the manufacturer's label;
  5. Requires a written request by the parent in person or via facsimile, including the dosage and dosage intervals:
    - a. In a center, permission shall be submitted daily;
    - b. In a home, written permission may be obtained in advance with daily verbal authorization from the parent; and
  6. Requires a physician's written order or verbal order with a written follow-up if given for more than four consecutive days.
- C. The child care facility shall have a policy for the use of all topical products and all medication, including prescription medication and any commonly used nonprescription medication for oral use, kept on hand by the child care facility for any child, with parental consent, for whom the medication may be indicated.
- D. Prescription medicine shall be:
  1. Kept in the original container with the original prescription label showing the child's name, name of medication, dosage, dosage intervals, the date filled, the expiration date, instructions, and the prescribing physician's or other medical professional's name; or
  2. Kept in medicine sets filled by a pharmacist or licensed medical professional with the child's name, the prescription date filled, the expiration date, instructions, and the physician's or other medical professional's name; and

3. Administered according to label directions unless modified in writing by the medical professional prescribing the medication.

E. Topical products, as approved by the department, whether brought by the parent or a facility supply, may be used with prior written parental permission but use shall not exceed manufacturer's directions.

F. In a child care facility with one or more employees, only one designated employee per unit per shift shall administer medication. The designated employee shall record and initial the time each dose is administered.

G. Unused medication shall be returned to the parent at the end of treatment, at the expiration date, or when the child is disenrolled, whichever comes first.

H. Medicine requiring refrigeration shall be stored in a leak-proof, labeled container to prevent contamination of food. Medicines shall be grouped together.

**16.55.380 Reducing the spread of disease.**

A. A child care facility shall take precautions to reduce risk of human immunodeficiency virus (HIV), acquired immune deficiency syndrome, hepatitis A and B, giardia, and other contagious or infectious diseases. These precautions include:

1. Seeking and complying with current medical and sanitation advice on contagious or infectious diseases from medical or other appropriate professionals;
2. Immediately cleaning and disinfecting any surface contaminated by body fluids, including saliva, mucus, vomit, urine, stools, injury discharges and blood, and using universal precautions, including gloves, when cleaning contaminated areas; and
3. Orienting staff in universal precautions and in the prevention of contagious and infectious diseases.

B. Caregivers and staff shall wash their hands for at least 10 seconds with soap and water, and rinse with water:

1. Before food handling, preparation, serving, eating or table setting;
2. After toileting and after assisting a child with toileting or diapering;
3. After handling animals, animal waste, or animal cages;
4. Before and after giving medication;
5. Before and after participation in moist play, including painting, cooking, and molding clay; and
6. Whenever hands are contaminated with bodily fluids, including nose wiping.

C. If standing water is used to rinse hands, the water shall be fresh for each individual and shall not be re-used.

D. Children shall wash their hands at the times and in the manner specified in subsections B. and C.

- 1 E. In this section, "universal precautions" means the infectious control precautions  
2 recommended by the United States Department of Health and Human Services, Centers  
3 for Disease Control and Prevention to be used in all situations to prevent transmission of  
4 blood-borne germs including[-] but not limited to human immunodeficiency virus and  
5 hepatitis B virus.  
6

7 **16.55.390 Health in child care facilities.**  
8

- 9 A. At or before admission of a child, a child care facility shall obtain from the child's parent:  
10 1. A valid immunization certificate; or  
11 2. Evidence the child is exempt from immunization.  
12  
13 B. A valid immunization certificate is a copy of the child's original immunization record  
14 showing, in a manner consistent with the timetable prescribed by the state Department of  
15 Health and Social Services childhood immunization schedule, the child has received or  
16 has begun and is continuing to receive, immunizations for the child's age against the  
17 diseases determined by the state Department of Health and Social Services. The  
18 immunization record is limited to a statement by a physician, listing the date each  
19 required immunization was given, a clinic or health center record, listing the date each  
20 required immunization was given, and/or an international certificate listing the date each  
21 required immunization was given.  
22  
23 C. Evidence of exemption from immunization shall include one of the following:  
24 1. A statement signed by a medical professional licensed in this state as a doctor of  
25 medicine (M.D.), doctor of osteopathy (D.O.), physician assistant, or advanced nurse  
26 practitioner, stating immunizations would, in the individual's professional opinion, be  
27 injurious to the health of the child or members of the child's family or household; or  
28 2. An affidavit signed by the child's parent or guardian, affirming immunization  
29 conflicts with the tenets and practices of the church or religious denomination of  
30 which the parent or guardian is a member; or  
31 3. Evidence the child is attending the child care facility for the first time.  
32  
33 D. Intermittent centers shall obtain evidence of immunization as required by subsection C.  
34 unless:  
35 1. The child has been attending an Anchorage School District elementary school or a  
36 private elementary school under the direction of the state department of education;  
37 and  
38 2. The center has a signed parental statement on the department health history form on  
39 file verifying attendance and listing the dates of immunizations.  
40  
41 E. Evidence of current immunization, or exemption from it, shall be maintained throughout  
42 the child's stay.  
43

1 F. A satisfactory immunization audit report from the state Department of Health and Social  
2 Services Division of Public Health during the previous licensure period may be accepted  
3 as evidence the child care facility satisfied the requirements of subsections A. – C.  
4

5 G. Except for children attending intermittent and drop-in centers, a child in center care shall  
6 have an examination by a licensed physician, certified nurse practitioner or physician's  
7 assistant renewed annually until a child is five years old, then biennially, kept on file at  
8 the center on a form approved by the department, showing no contra-indications to  
9 attendance, and explaining special medical conditions, and:

- 10 1. Is no older than one year prior to the first date of attendance; or  
11 2. Is no later than five weeks after the first date of attendance.  
12

13 Intermittent centers shall obtain a health history completed by the parent on a form  
14 approved by the department for each child.  
15

16 H. A child care facility may admit a mildly ill child or allow the child to remain in  
17 attendance only if the child's needs do not compromise the care of other children and if  
18 the child's symptoms are not on the list of symptoms for exclusion, as determined by the  
19 department.  
20

21 I. A child care facility caring for a mildly ill child shall arrange a plan of care with the  
22 parent and provide a place where, under supervision, the child may rest or play quietly,  
23 apart from other children, when warranted.  
24

25 J. A child care facility shall not admit a child showing signs of a serious illness or of a  
26 communicable disease or allow the child to remain in attendance unless a medical  
27 provider approves the child's attendance. Medical approval shall indicate the child, as  
28 well as the other children in care, will be safe. Symptoms for exclusion shall be  
29 determined by the department.  
30

31 K. A child care facility shall report to parents any occurrence of, or exposure to,  
32 communicable disease or contagious condition, other than a cold, in the facility.  
33

34 L. A child care facility shall provide supervised rest or sleep periods for each child, under  
35 the age of five, in care more than four hours, and for any other child, if desired by the  
36 child and according to individual needs. For a child who is unable to sleep, the child care  
37 facility shall provide time and space for quiet play.  
38

39 M. A child shall not be deprived of clothing, and extra clothing shall be available for each  
40 child.  
41

42 N. A facility shall have and follow written medical and health policies and procedures which  
43 include:  
44

1. Criteria for excluding sick persons, including but not limited to subsections H. and J.



2. Plans for the care of children developing symptoms of an illness or injured while in child care, including the following:
  - a. The administrator or designee shall immediately notify the parents of any illness or symptoms or any injury in the facility more serious than minor cuts, bruises, and scratches, and obtain instructions for action to be taken;
  - b. The administrator or designee shall make prompt arrangements with parents for medical evaluation or for the child to be picked up by the parent, if necessary;
  - c. The administrator or designee shall obtain emergency medical treatment without specific parental instruction in cases where the illness or symptoms or injury warrant no delay in medical treatment; and
  - d. The child shall be provided a place to rest quietly, as separate from other children as possible, and provided supervision until removal from the facility.
3. Staff health practices to minimize infections shall include at least the following: Staff exhibiting gastrointestinal or skin infections, other communicable diseases, or a temperature greater than 101 degrees Fahrenheit shall be excluded or removed from the facility. In a child care home where the administrator resides, ill household members, including the administrator, shall be isolated from contact with children to reduce the risk of infecting them.
4. A facility shall not permit a child or staff member with a reportable communicable disease, as determined by the department, to be admitted to or to remain at the facility. The affected person may return to the facility only with written documentation from a physician licensed in Alaska stating the person has been evaluated and presents no risk to children. In a child care home where the administrator resides, ill household members, including the administrator, shall be isolated from contact with children to reduce the risk of infecting them.

**16.55.400**      **Nutrition.**

- A. A child care facility shall ensure all snacks and meals, whether provided by the facility, the parent or others, meet the child care food program requirements set out in the Code of Federal Regulations, except single food substitutions not affecting the daily nutritional content may be approved by the department for facilities which do not receive financial assistance from the child care food program.
- B. In a child care facility, food for a child's meals and snacks may be provided by the parent.
- C. In a child care center, menus, including snacks, shall be planned in advance, posted in an area open to visitors, and reflect actual food served.
- D. To ensure adequate nutrition and promote good eating habits and attitudes, a facility shall ensure:
  1. At least one nutritious meal is offered to each child in care for five hours or more;
  2. A nutritious snack or breakfast is offered before lunch, and a nutritious snack is offered between lunch and dinner. Snacks with a high sugar content shall be avoided, as well as drinks that do not contain pure fruit or vegetable juice;

3. A child in care over ten hours is offered an additional meal or snack, unless the parent requests otherwise; and

4. A school-aged child present only after school is served a nutritious snack.

E. A child care facility shall observe the following requirements for bottle feedings:

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

2. An infant shall be fed on demand;

3. A child on bottle feedings:

a. Shall either be held or fed sitting up; or

b. If unable to sit up without being propped, or does not wish to hold its own bottle, the child shall be held by a caregiver during the feeding; and

c. Shall not be permitted to hold or carry its bottle at times other than the feeding.

4. Bottles shall not be propped for a child.

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

G. Except for medical reasons, a child care facility shall not deny a meal or snack to a child, force-feed a child, or otherwise coerce a child to eat against the child's will for any reason. Encouragement to eat, without any element of compulsion, is acceptable.

**Editor's note:** A copy of the child care food program may be obtained from the Alaska Department of Health and Social Services, 801 W. 10th Street, Suite 200, Juneau, AK 99801-1894.

#### **16.55.410      Transportation.**

A. A child care facility providing transportation for children of any age, either directly through use of a facility-owned or leased vehicle, or indirectly by use of private vehicles of staff or volunteers, shall meet the requirements of this section.

B. A child care facility shall ensure appropriate use of seat restraints, as follows:

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 shall occupy each seat belt or child restraint device; and

3. Children shall not occupy the front seat if the vehicle is equipped with an operational airbag on the passenger side.

C. A child care facility shall ensure children are transported in safe vehicles, as follows:

1. Each vehicle used to transport children shall be in good repair, safe, and free of hazards, including but not limited to torn upholstery allowing children to remove the interior padding or potentially hurt themselves, broken windows, and holes in the floor or roof;

2. Vehicles used to transport children in snow, ice, and other hazardous weather conditions shall be equipped with snow tires, chains, or other safety equipment as appropriate; and
3. In a facility, any individual transporting children under this section shall complete a vehicle safety checklist, on a form provided by the department, prior to transporting children, which shall be updated annually.

D. A child care facility shall ensure safe procedures in transporting children, as follows:

1. The driver or other adult in a vehicle shall ensure each child younger than school age is received by a responsible individual;
2. Provide procedures to parents for pick-up and delivery of children, which shall be posted at a child care center; and
3. Children shall never be left unattended in a vehicle.

E. Verification of insurance coverage and vehicle registration for any vehicle used to transport children, other than a commercial bus, shall be on file, except for the parent volunteer who drives occasionally for field trips.

F. The administrator of a facility shall ensure any driver transporting children under this section is at least 18 years of age, has a current driver's license, does not have an adverse driving record that could put children at risk, and meets all the requirements of this section.

G. In a center, when transporting children, the following child-to-caregiver ratios shall be met:

1. The driver of a vehicle transporting only school age children, and only to and from public or private school in a van, may be the only staff person in the vehicle under the following conditions:
  - a. The driver meets the qualifications of a caregiver under section 16.55.250;
  - b. The result of a criminal background interested persons name check for the driver is on file;
  - c. Evidence of the driver's good driving record is on file;
  - d. No more than 14 children are transported at once; and
  - e. Policies and procedures are in place, including emergency plans.
2. A staff member driving school-aged children in a van or bus with seat belts may be counted in caregiver-to-child ratio only if all are restrained as required by state law. In large vehicles, including but not limited to buses manufactured without seat belts, the driver does not count in the ratio.
3. A driver of preschool children may count in the ratio when driving four or fewer children. However, the driver does not count in the ratio when driving five or more preschool children unless another adult is in the vehicle. One of the adults shall be a center staff person.

H. A facility shall utilize 911 in case of medical emergency and for transporting children in emergencies when necessary.

**16.55.420**      **Agency approvals.**

All facilities shall be constructed, maintained and operated in accordance with the most recently adopted requirements of agencies responsible for fire, food service, environmental health and safety, building and land use. The director shall request these agencies inspect the facility where codes are applicable and certify to the director the facility is in compliance with all applicable codes prior to the issuance of a license, or when deemed necessary.

**16.55.430**      **Life and fire safety.**

- A. A child care facility shall meet applicable standards for state or municipal life and fire safety.
- B. The administrator of a facility shall provide emergency battery or generator power lighting, including but not limited to working flashlights, for use in case of power failure.
- C. The administrator of a facility shall assure emergency telephone numbers are conspicuously posted on or adjacent to the telephone, including 911 and poison center telephone numbers.
- D. A child care facility shall have emergency plans approved by the licensing representative for the care of children in the event of a minor or major crisis, including but not limited to fire, medical emergencies, earthquakes or other disasters, as follows:
  - 1. Plans for evacuation shall provide for:
    - a. The complete evacuation during an emergency of all adults and children, including children with limited mobility, within 2 ½ minutes from the sound of the alarm until all individuals are evacuated and accounted for;
    - b. The evacuation of all children under 30 months of age, children with limited mobility, or children otherwise needing assistance in an emergency, including but not limited to a child who is mentally, visually, or hearing impaired;
    - c. A child care home shall submit a floor plan of each level of the facility and a detailed written plan for evacuation when children are sleeping on a floor above ground level, or when children are sleeping on a different level from the caregiver. The written plan shall address all steps taken and equipment needed to ensure the safe evacuation of all persons;
    - d. The evacuation of all children and staff present at varying times of day; and
    - e. A child care facility shall conduct and document on a form provided by the department emergency evacuation drills at least once a month.
  - 2. Plans for remaining inside during an emergency including but not limited to an earthquake shall provide for both short- and long-term emergencies.
- E. A facility shall ensure:
  - 1. Exits are not blocked and are free from tripping hazards; and
  - 2. Exits provide safe outside passage, free from hazards including but not limited to ice, icicles, and snow.

- 1 F. A child care home shall have at least:  
2 1. Two unobstructed means of emergency escape, remote from each other, with at least  
3 one means of emergency escape being an exterior door;  
4 2. One means of escape from the basement directly to the outside at or near ground  
5 level, if children occupy a basement area for any part of the day; and  
6 3. One operable window meeting the requirements of subsection H., and providing  
7 escape directly to the outside in each child's sleeping room.  
8
- 9 G. A child care facility located in a single family dwelling with only one exterior door shall  
10 not have more than six children in care, including children residing in the facility.  
11
- 12 H. If, under subsection F., the home designates a window as one required means of  
13 emergency escape, the window shall be operable and comply with the following:  
14 1. The finished sill height shall not exceed 44 inches above the floor;  
15 2. The net clear openable area shall be a minimum of 5.7 square feet, with a minimum  
16 net clear openable height dimension of 24 inches; and  
17 3. The minimum net clear openable width dimension shall be 20 inches.  
18
- 19 I. A child care home shall be free of fire hazards and shall:  
20 1. Have at least one working smoke detection device, either not more than 10 years old  
21 or newer than the manufacturer's replacement date in the device, and is:  
22 a. An AC primary power smoke detection device with battery back up; or  
23 b. A monitored battery powered smoke detection device.  
24 2. Have at least one fully charged 2A:10BC or greater classification, dry chemical fire  
25 extinguisher strategically located on each level, and serviced according to the  
26 requirements of state law, including newly purchased extinguishers;  
27 3. Ensure any flammable or combustible liquids are stored in containers with tight  
28 fitting lids, out of the reach of children; and  
29 4. Ensure heating appliances are placed, installed and maintained in a safe and  
30 serviceable manner, including:  
31 a. Venting to the outside, if the appliance is fuel burning;  
32 b. Not placed or located in sleeping quarters while caregivers or children are  
33 sleeping; and  
34 c. Not in exit ways or corridors at any time.  
35
- 36 J. A child care home in which children sleep shall have a working carbon monoxide  
37 detector strategically located.  
38
- 39 K. Heating units and other devices employing a flame shall be vented to the outside in  
40 accordance with subsection 16.55.440H.  
41
- 42 L. Heat sources shall be shielded to prevent burn injury. The shield shall be far enough  
43 from the heat source to prevent smoldering or burning.  
44

1 M. Portable electric heaters, equipped with tip-over switches, and fans shall be kept out of  
2 the reach of children.  
3

4 **16.55.440 Environmental health and safety.**  
5

6 A. The standards for environmental health and safety under state law or municipal law, as  
7 administered by the state Department of Environmental Conservation or the  
8 Municipality, apply to a child care facility. Compliance with these environmental health  
9 and safety requirements, as applicable, is required before a license shall be issued to a  
10 child care facility.  
11

12 B. A licensing representative shall inspect a child care facility to determine if the child care  
13 facility meets applicable requirements of this section. The licensing representative shall  
14 request an inspection by the appropriate state or municipal agency, if the licensing  
15 representative determines an inspection is necessary.  
16

17 C. Water and wastewater. A child care facility shall meet the following standards for water  
18 and wastewater:  
19

- 20 1. There shall be adequate amounts of safe, potable water from an approved source,  
21 which may include:
  - 22 a. A community water supply, or
  - 23 b. A well **not classified as a community water supply** with a water sample passing  
24 a state certified laboratory test for nitrates and bacteriological quality.
- 25 2. The water supply and distribution system shall be in compliance with the appropriate  
26 regulatory agencies.
- 27 3. Drinking water shall be accessible to children at all times. Individual drinking cups,  
28 disposable paper cups, or bubbler fountains of the angle jet type shall be provided.
- 29 4. Providing a domestic wastewater system:
  - 30 a. Approved by the state Department of Environmental Conservation in accordance  
31 with state law, or by a municipal government to which the state has delegated  
32 authority;
  - 33 b. Installed in accordance with state law by a:
    - 34 i. Person certified under state law as an installer; or
    - 35 ii. Homeowner with a system approved under state law; or
  - 36 c. If a requirement described herein was not applicable to the system at the time of  
37 installation, the system is operated and regularly maintained to:
    - 38 i. Provide safe treatment and disposal of sewage; and
    - 39 ii. Prevent septic tank overflows, the backflow of sewage into the facility, the  
40 ponding of fluids on the ground, or the running of sewage on the ground.

41 D. Toilets and handsinks. A facility shall meet the following standards for toilets and  
42 handsinks, as applicable:  
43

- 44 1. In a facility, the numbers of toilets and urinals are required as follows:
  - 45 a. One sink and one toilet for every 15 children; rooms serving only infants are not  
required to have a toilet;

- b. For new centers licensed after passage of this chapter, there shall be adult toilets and sinks, maintained in a clean and sanitary manner, and maintaining the 1:15 ratio for children;
  - c. Centers licensed at passage of this chapter having adult toilets and sinks shall continue to do so.
  - d. Urinals may be substituted for not more than one-half the required number of toilets for boys only after there are three toilets for the boys, not counting those in infant rooms; and
  - e. If toilet training equipment is provided, there shall be additional space for the equipment.
2. Toilet paper shall be provided in dispensers at all toilets.
  3. Plumbing in a restroom shall comply with the municipality's Uniform Plumbing Code.
  4. Partitions in restrooms, if used, shall be raised at least 12 inches from the floor and shall be smooth, durable, and easy to clean.
  5. Easy to clean refuse receptacles shall be provided by handsinks.
  6. In centers, rooms serving children younger than school age, shall have sinks installed in the classroom, near the entrance to the restroom. Centers with licenses current at the time of passage of this chapter may continue with the currently approved plan until remodeling of the space occurs.
  7. In a center, a classroom with a diapering sink shall have an additional sink for non-diapering and non-toileting purposes, including but not limited to face washing, tooth brushing, food service, and drinking water.
  8. Sinks shall be equipped with hot and cold running water where the temperature shall be maintained at not less than 100° F. nor more than 120° F.
  9. Except as otherwise approved by the department, disposable single-service towels from a dispenser, discarded immediately after use, or a hot-air drying device, shall be provided at each sink. In a home, children may be provided with individual hand towels, replaced on a daily basis.
  10. Soap shall be provided at all sinks.
  11. Toilets, including each toilet lid, seat, and handle, and sinks shall be kept clean during periods of use, and shall be cleaned and sanitized at least daily.
  12. Step stools, if provided in toileting areas, shall have non-slip treads of water-impervious, durable material and shall provide ready access for children's use.
  13. If self-closing faucets are used, the faucets shall be a metering type designed to allow at least a 10-second duration flow of water.
- E. Diapering and toilet training: Facilities shall meet the following standards for diapering and toilet training, as applicable:
1. Facilities shall have 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 after each diaper change or after assisting a child with toileting. Each diaper changing area shall include a smooth, durable, nonabsorbent, and easy to clean surface for changing diapers.
  2. In a center, there shall be a sink within reach of the diaper changing surface which shall not be used for any food service or mouthing toys, including pacifiers.

3. Cloth diapers shall:
    - a. Be used in a facility only with approval of the department;
    - b. Be changed in a room which includes a toilet;
    - c. Never be rinsed in the toilet, but fecal contents may be placed in the toilet;
    - d. Be placed in a sealed plastic bag; and
    - e. Be sent home with the child daily.
  4. Used disposable diapers shall be placed in a plastic-lined, easy to clean, covered container which shall be emptied, cleaned, and sanitized daily.
  5. A facility shall ensure diapers are changed promptly as needed.
  6. Training chairs and toilet seat inserts shall be kept clean and be provided for children who require them. Training chair receptacles shall be emptied in a toilet and cleaned and sanitized after each use in a utility sink or by some other method approved by the department.
- F. Hazards. A child care facility shall take the necessary precautions to make the child care facility free of hazards that may 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. Compliance with the following standards regarding firearms and ammunition:
    - a. In a center, center play yards, and in attached residences if the individuals living in the residences go into the center:
      - i. Firearms are prohibited under state law, and
      - ii. Ammunition is prohibited.
    - b. A child care home shall ensure:
      - i. Firearms are unloaded and stored in a locked gun safe or other locked place inaccessible to children;
      - ii. Ammunition is stored separately from firearms in a place inaccessible to children.
      - iii. Firearms are not visible to children.
      - iv. If firearms are stored in a locked cabinet with a glass display, the cabinet shall be in a room inaccessible to children. The key or combination for the gun safe or locked place shall be inaccessible to children.
  4. Compliance with the following requirements as to smoking:
    - a. A facility shall maintain a smoke-free environment, including a vehicle used to transport children. In a center, smoking is prohibited inside the facility, in the play yard, [AND IN A VEHICLE USED TO TRANSPORT CHILDREN] and outside within 20 feet of openings into interior space which children access;
    - b. A facility shall meet the requirements of chapter 16.65; and
    - c. Child care personnel shall not smoke while responsible for the care of children and shall not expose children to second-hand smoke.
  5. A child care facility shall install safety outlets or child proof cover caps in all electrical outlets not in use and accessible to children under age five.



6. Safety gates or other approved effective methods shall be used to prevent access by infants and toddlers to stairs.
7. Plastic bags posing a suffocation or choking risk, including bags used for storage, trash, diaper disposal, or any other purpose, shall be stored out of reach of children.
8. Strings and cords, including but not limited to parts of clothing and pacifiers, shall not be accessible to children:
  - a. If they are more than six inches in length;
  - b. Unless they are used during a supervised activity; or
  - c. If they are part of window shades or blinds.
9. Buildings and premises shall be free of hazards, including splintered surfaces, sharp edges, protruding corners, steep stairways, and ice and snow on walkways and roof overhangs.
10. Outdoor areas shall be well drained and free from deep depressions which may collect standing water. In a home, these areas shall be off limits to children.
11. Germicides and insecticides shall not be used in the presence of children and shall be used according to label directions.
12. Poisonous or dangerous substances and compounds, including but not limited to cleansers and medicines, shall be identified, kept in storage areas which are inaccessible to children, and used according to label directions.
13. Equipment and walls, if painted, shall be painted with lead-free paints and shall be free from peeling or chipping.

G. General sanitation. A facility shall meet the following standards for general sanitation:

1. Walls and ceilings in kitchens and restrooms shall be smooth, clean, easy to clean, and non-absorbent. Restroom floors, walls within four feet of the floor, and the intersection between the floor and walls shall be covered with water-impervious materials.
2. Floors, walls, ceilings, doors, and windows in other areas shall be easy to clean, kept clean, in good repair, and shall not pose a health or safety hazard.
3. Each highchair tray and table used for food shall be in good repair, easy to clean, non-porous, and shall be cleaned and sanitized before and after each use.
4. Residual insecticides shall not be used.
5. Stairways and steps shall have handrails and non-slip treads or covering, or other written plan approved by the department.
6. The following standards regarding animals in facilities shall be met:
  - a. Hamsters, guinea pigs, gerbils, white mice, domestic rabbits, and harmless fish shall be kept in cages or aquariums, with heavy-duty plastic or other water-impervious material placed under and around animal cages to confine food, droppings, and urine.
  - b. Monkeys, bats, squirrels, skunks, poisonous snakes, ferrets, water turtles, psittacine birds, and predatory animals, birds or fish shall not be kept in the facility.
  - c. Facilities shall maintain evidence documenting all animals kept in the facility are current on all required immunizations and in compliance with chapter 17.30.

- d. Waste material from animal areas shall be collected daily and placed in plastic bags which are sealed before disposal.
  7. A center shall ensure openings to the outdoors are effectively protected against the entry of insects and other pests by tight-fitting doors, closed windows, screening, controlled air currents, or other means approved by the department. Screening materials shall be tight-fitting, free from breaks, and not less than 16 mesh to the inch.
  8. After emptying trash receptacles, all child care facilities shall store refuse in clean containers with tight-fitting lids until proper disposal. Refuse shall be removed from:
    - a. Rooms used by children or caregivers once a day, or more often as necessary to prevent odors; and
    - b. The premises at least once every seven days, or more often if needed, to prevent odors or other nuisances including but not limited to rodents or insects.
  9. The use of incinerators in centers is prohibited.
  10. 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, nipples, and pacifiers shall clean and disinfect them by washing in a dishwasher or by boiling for at least five minutes before reuse.
  11. Cleaning methods presenting a hazard to children shall be done only when children do not occupy the room to be cleaned.
  12. If children use water play activities, the administrator shall ensure:
    - a. Water in the water play container is maintained at 2 to 10 parts per million chlorine solution during use. In addition, the administrator shall ensure strips to test chlorine concentration levels are provided and used daily to ensure concentration levels are maintained in accordance with this subsection;
    - b. Except for wading pools, each child using the water play container shall wash hands before and after playing at the water play container;
    - c. A child with an open sore or wound shall not be allowed play at the water play container;
    - d. Water shall be discarded after each day of use;
    - e. The water play container shall be cleaned and sanitized after each day of use; and
    - f. The wading pool shall be emptied daily immediately after the last child uses it.
  13. The administrator shall ensure a toy used by a child shall be:
    - a. Cleanable and kept clean, except if the child brings the toy for that child's personal use exclusively;
    - b. Cleaned and sanitized before use by another child if mouthed or otherwise contaminated; and
    - c. Cleaned at least once every seven days or whenever soiled.
  14. All facilities and portions thereof shall be maintained in good repair in a clean, safe and sanitary condition free of filth, rodents, insects and odors. In a center, laundry facilities shall be separate from children's space. In a home, laundry facilities not separate from children's space shall be child-proofed. All facilities shall provide adequate methods for handling soiled bedding and clothing.
- H. Heating, lighting, and ventilation. A center, and a child care home as applicable, shall meet the following standards for heating, lighting, and ventilation:

1. Facilities shall be adequately lighted which means play areas and classrooms shall be provided with a minimum of 50 foot candles of light, while other areas, including nap rooms, hallways, and restrooms, shall have at least 20 foot candles of light. Light shall be measured 30 inches from the floor.
  2. Ventilation by natural or mechanical means shall be provided to keep air fresh and to prevent the accumulation of excessive heat, steam, condensation, vapors, smoke, and fumes. Centers shall be ventilated in accordance with Titles 23 and 24.
  3. Ventilation systems shall not produce an unsightly or harmful discharge.
  4. Vents or stacks leading from a heating unit shall be air-tight at joints so fumes, smoke, and/or unburned gases do not pass from the device, vent, or stack into the facility.
  5. In a facility:
    - a. The introduction of cold air into a room shall be arranged to prevent drafts on occupants; and
    - b. Room temperature shall be at least 65° F. twelve inches from the floor, and maintained at 65 to 74° F., measured 36 inches from the floor.
- I. Playground. A child care facility shall ensure its playground is clean and free of hazards that may cause injury, including:
1. Selection and maintenance of play equipment shall be:
    - a. Securely anchored, unless portable and self supporting;
    - b. Free of entrapment, pinch, or crush points;
    - c. Free of sharp points, corners, or edges; and
    - d. Provide adequate clearance between the equipment and any objects able to cause injury, as defined by the Consumer Product Safety Commission (CPSC) guidelines.
  2. Covering areas around and under play equipment, where children are off the ground, with appropriate shock absorbing material. Equipment over three feet high shall have shock absorbing material, such as but not limited to pea gravel, sand, or sawdust, according to CPSC guidelines and ASTM for critical heights of 5' or greater. Loose-fill materials shall not be installed over hard surfaces, and concrete and asphalt shall not be used under play equipment.
  3. Centers, if newly licensed after passage of this chapter, shall meet all CPSC guidelines for play yards, except for centers changing ownership. Existing centers making changes to yards shall meet CPSC guidelines for changes and shall obtain prior department approval.
- J. A child care facility shall post first aid procedures, including procedures for choking and age appropriate cardiopulmonary resuscitation (CPR).
- K. First aid kits shall be maintained as follows:
1. A child care center shall maintain at least two readily available first aid kits, with at least one kit maintained inside the center when children are present and at least one kit taken on evacuations, field trips, and outings away from the center.

2. A child care home shall maintain one first aid kit to be used in the facility and for evacuations, field trips and outings away from the home, except a home may use an abbreviated first aid kit for a neighborhood walk of 30 minutes or less. The abbreviated kit shall include at least items under subsections 4.a. through 4.l.
3. First aid supplies shall be appropriate to the size of the facility, and first aid kits shall be restocked after each use, and after inventory taken at least monthly, if necessary.
4. The first aid kit shall include at least the following items:
  - a. Disposable nonporous gloves;
  - b. Sealed packages of alcohol wipes or antiseptic for sterilization of a thermometer only;
  - c. Bandage tape;
  - d. Sterile gauze pads;
  - e. Pen or pencil and note pad;
  - f. Manufactured instant cold pack;
  - g. Coins for use in a pay telephone;
  - h. Poison control center telephone number;
  - i. Water, at least eight ounces, factory-sealed;
  - j. Soap;
  - k. For a trip away from the facility, and for each child participating in the trip:
    - i. Emergency child record information as required by section 16.55.300;
    - ii. Parent permission for use of medication as required by section 16.55.370; and
    - iii. Medications needed by each child during the duration of the trip;
  - l. Adhesive bandages, including but not limited to band aids;
  - m. Scissors;
  - n. Tweezers;
  - o. Non-mercury thermometer, in accordance with department policy;
  - p. Flexible roller gauze;
  - q. Triangular bandages;
  - r. Safety pins;
  - s. Eye dressing;
  - t. Activated charcoal, for use only with advice of a poison control center or medical professional;
  - u. Most recent edition of the American Academy of Pediatrics or American Red Cross standard first aid text, or equivalent first aid guide;
  - v. Small, child-sized, plastic, wooden, or metal finger splints;
  - w. Working flashlight;
  - x. CPR one-way mouth barrier, appropriately sized for adults and children served;
  - y. Emergency blanket or equivalent; and
  - z. A container to hold all of the above supplies.

**16.55.450**      **Space.**

- A. A child care facility shall have indoor and outdoor space to accommodate the physical and developmental needs of the children served.

- 1 B. A child care center and a child care home shall provide at least:  
2 1. Thirty-five square feet of usable indoor space per child, exclusive of hallways,  
3 bathrooms, storage areas, office and administrative space, furnace and laundry rooms,  
4 crib space, diaper tables, cubbies, and any area children are prevented from using;  
5 centers for sick children shall provide 50 square feet; and  
6 2. Seventy-five square feet of usable outdoor space per child, as follows:  
7 a. For purposes of this section, the term "useable outdoor space" means  
8 i. In a center yard, all space is at least 20 feet wide at all points; and  
9 ii. In a center and a home yard, space is readily available to children for program  
10 purposes in an enclosed play yard and appropriately fenced or otherwise  
11 contained for the safety of the children.  
12 b. In a home, the use of alternative outdoor space at a nearby park or other outdoor  
13 location may be approved at the discretion of the department after submittal of a  
14 written plan which shall include:  
15 i. The location of the alternate site no more than a 10 minute walk away, and  
16 age appropriate;  
17 ii. The safe movement of children, whether on foot or in a vehicle; and  
18 iii. The ability of staff to monitor the safety of equipment and transportation used.  
19 c. Centers shall provide a minimum amount of outdoor space based on the licensed  
20 capacity as follows:  
21 i. If licensed capacity is 9 through 30 children, space shall be provided at 75  
22 square feet times the licensed capacity.  
23 ii. If licensed capacity is 31 to 60 children, space shall be provided at 75 square  
24 feet times 30 children.  
25 iii. If licensed capacity is 61 or more children, space shall be provided at 75  
26 square feet times one half of the licensed capacity.  
27 d. Except as provided in subsection e., at no time during outdoor play shall less than  
28 75 square feet of useable outdoor space be available to each child, except for  
29 drop-in centers and centers for sick children requiring no outdoor play space.  
30 e. In a center, separate space for infants and toddlers shall be provided to ensure  
31 young children are protected from older children and hazards. Separate space  
32 may be provided through yard scheduling, fencing, or supervision. If infant yard  
33 space is created through the use of a fence, only 50 square feet of usable space is  
34 required per child.  
35  
36 C. A facility shall use its buildings and grounds exclusively for child care unless the  
37 department reviews a plan for separation of the building's occupants and approves the  
38 plan before licensing the facility. In a home, family living space used as child care space  
39 is exempt from this requirement.  
40  
41 D. In meeting the space requirements of subsection B., if a child care center is attached to or  
42 located in a residence, the child care facility shall designate space exclusive of family  
43 living areas.  
44

1 E. A child care facility shall ensure space and a specific place for each child to keep the  
2 child's own clothing and personal possessions.

3  
4 F. A child care center shall have storage and work space areas convenient to the area used  
5 for child care to meet the following needs:

- 6 1. Record storage and administration;
- 7 2. Food preparation and service, where applicable;
- 8 3. Storage of program materials and resources for staff and parents;
- 9 4. Storage of repair and maintenance supplies; and
- 10 5. Rest area and meeting space for staff.

11  
12 G. The provisions of subsection F. do not require rooms or areas be assigned exclusively to a  
13 single function.

14  
15 H. A child care facility shall maintain a well organized environment, arranged so:

- 16 1. Children have opportunities to utilize space, materials, and equipment to optimize
- 17 learning;
- 18 2. Children may use what they can reach most of the time;
- 19 3. Children have reasonable freedom of action without recurrent accidents and
- 20 collisions;
- 21 4. Children have a comfortable place for quiet time;
- 22 5. Infants may explore safely and freely, to crawl, stand, and learn to walk; and
- 23 6. School aged children have a quiet place to do homework, if needed.

24  
25 **16.55.460 Equipment and supplies.**

26  
27 A. A child care facility shall select equipment and supplies which are durable, clean, easy to  
28 clean, non-hazardous, in good repair, and support child care facility programs, so the  
29 amount, variety, arrangement, and use of materials, toys, and equipment available shall:

- 30 1. Be appropriate for the developmental needs of the children in care;
- 31 2. Meet criteria contained in section 16.55.350;
- 32 3. Be of sufficient quantity to avoid excessive competition and long waits for use by a
- 33 child;
- 34 4. Be safely stored so at least some of the toys and materials are accessible to children;.
- 35 5. Be carefully supervised when:
  - 36 a. The use of any equipment, furniture or other materials containing sharp or pointed
  - 37 surfaces may cut, impale or puncture or otherwise injure children or staff;
  - 38 b. The use of equipment, furniture, toys, supplies or other materials containing parts
  - 39 or components may be swallowed or inhaled by children and, in a center, is
  - 40 prohibited in the presence of infants and toddlers; and
  - 41 c. The use of electric toys, equipment or tools may create any danger of shocking or
  - 42 burning to users or bystanders.

43  
44 B. Toys and materials shall be available for use of infants and toddlers providing  
45 opportunities for the child to learn through seeing, feeling, hearing, smelling and tasting.

- 1 C. In a child care center, furniture and equipment shall be durable, safe, and of child size, or  
2 adapted for a child's use.  
3
- 4 D. A child care facility shall make provisions for each child's rest or sleep, not endangered  
5 by the active play of children, in accordance with subsection 16.55.390L., as follows:  
6 1. For each infant under age 12 months:  
7 a. Provide an individual crib or playpen with a firm mattress or mat with a washable  
8 waterproof covering. Bedding shall be continually available in order for infants  
9 to sleep according to individual needs. Cribs shall meet safety requirements set  
10 by the Consumer Product Safety Commission.  
11 b. Shall not use soft bedding materials increasing the risk of suffocation, including  
12 comforters, pillows, fluffy blankets, crib bumpers that do not stand upright, and  
13 stuffed toys.  
14 c. Shall not use sleeping equipment allowing a child to fall, become entrapped, or  
15 have clothing tangled on protrusions.  
16 2. For each child for whom a crib is no longer appropriate, provide a cot, mat of at least  
17 two inches thick, or bed. In a home, a couch may be used, or bedding, consisting of a  
18 folded blanket, mat, or sleeping bag for each child, placed directly on a carpeted  
19 floor;  
20 3. Provide a clean and sanitary blanket for each child. In a child care center, either the  
21 cots or the blankets shall be individually labeled with the child's name;  
22 4. Clean and sanitize cots, mats, beds, cribs, playpens, mattresses, blankets, mattress  
23 covers, and linens at least once each week, or sooner if necessary, or between use by  
24 different children, whichever occurs first;  
25 5. Place only an infant, a non-climbing toddler, or a child with special needs if  
26 appropriate in a crib; and  
27 6. In a center, all cots, sleeping mats and cribs, when in use, shall be placed a minimum  
28 of two feet apart.  
29
- 30 E. A child care facility shall have a minimum of five developmentally appropriate books per  
31 child in care.  
32
- 33 F. Indoor play equipment allowing children to get off the floor shall:  
34 1. Meet the same standards required for outdoor equipment for safety and maintenance  
35 under subsection 16.55.440I.1.;  
36 2. For equipment with a fall height under five feet, have adequate shock-absorbing  
37 surfacing within the use zone, per department policy;  
38 3. For equipment with a fall height five feet or higher, have adequate stationary, shock-  
39 absorbing surfacing meeting department policy; and  
40 4. Meet manufacturer's specifications.  
41

42 **16.55.470 Approval of specializations.**  
43

- 44 A. To obtain approval by the department of a specialization designation described in  
45 sections 16.55.480 and .490, a child care facility shall:

1. Demonstrate ability to comply with the requirements set out in this chapter applicable to that specialization;
2. Submit a request for specialization on a form provided by the department at least 30 days prior to the proposed activity; and
3. Submit any changes to the plan for prior approval by the department.

B. The department shall:

1. Approve a request for specialization designation, if the department determines the child care facility satisfies the applicable requirements; and
2. Withdraw its approval at any time if the activity is deemed unsafe, if there is a violation during the activity, or if the facility is otherwise in violation of this chapter or the specialization plan.

**16.55.480 Nighttime care specialization in child care facilities.**

- A. A child care facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. or any part thereof without a nighttime care specialization approved by the department, except a child care home may occasionally provide nighttime care in a licensed facility if:
  1. Operated no more than 30 consecutive days within a twelve month period;
  2. Nighttime care requirements of this section are met;
  3. Prior approval by the applicable fire and land use agencies is obtained; and
  4. Prior approval by the department is granted.
- B. A child care center shall provide a room away from sleeping children where other children may engage in activities.
- C. Arrangements shall provide for the arrival or pick-up of children without disturbing other sleeping children.
- D. A child care home shall provide nighttime care to no more than five children [AS PROVIDED IN SUBSECTION 16.55.420A].
- E. Unless the parent specifies otherwise, a child care facility shall serve:
  1. Dinner to a child, if present at dinner time;
  2. A nighttime snack; and
  3. Breakfast to a child in care over night.
- F. The parent or facility shall provide each child staying overnight with individual sleeping garments, a comb, toothbrush labeled with the child's name, bath towel, washcloth, and soap. The facility shall provide children with a shower, tub, or sponge bath as needed for body cleanliness. A caregiver shall be in the room while children younger than seven years of age are bathing.



**16.55.490**      **Specialized program activities.**

- A. A child care facility shall not provide a program of moderate risk activities without a specialized program activity specialization approved by the department, including but not limited to gymnastics, swimming, fishing, boating, using commercial water parks, wading in natural bodies of water, and other water-related activities, camping, wilderness walks, horseback riding, skiing, indoor rock climbing, skateboarding, rollerblading, scooter riding, outdoor ice skating, outdoor roller skating, archery, or bike riding, or as otherwise determined by the department.
- B. A child care facility shall base a specialized program activity on a plan addressing each requirement in this section. A child care facility shall ensure each employee involved in the activity reviews the plan and a copy of the plan is taken on each activity conducted away from the child care facility.
- C. A child care facility shall ensure the plan required under subsection B. establishes emergency procedures and injury control procedures for any specialized program activity conducted by the child care facility. The emergency procedures and injury control procedures shall include:
  1. Method of transportation, if applicable;
  2. A communication system, such as but not limited to a cellular telephone, and carrying or posting emergency telephone numbers, if telephones are available;
  3. Identification, respect for, and avoidance of potential weather hazards;
  4. Identification and warning to children of potential hazards, such as but not limited to noxious plants, bears and other wild animals, cliffs, caves, mine shafts, and polluted waters;
  5. Development of contingency plans to deal with lost children, accidents, and other emergencies, including CPR and first aid certification requirements; and
  6. The use of appropriate safety equipment, as provided in subsection 16.55.320H.3.
- D. A child care facility shall plan for supervision during specialized program activities as follows:
  1. The child-to-caregiver ratios required in section 16.55.330 shall be maintained or increased appropriate to the planned activity. In this subsection, “increased appropriate to the planned activity” means a child care facility provides a recognized national standard or other expert documentation to support the proposed child-to-caregiver ratio;
  2. A caregiver, and/or contracted supervisor, with at least the equivalent of one year of experience or certification in the specialized program activity is designated to supervise the activity;
  3. Caregivers supervising specialized program activities in which children participate have demonstrated competency in those activities. This demonstration shall include either 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 with 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 all activities away from the child care facility:
1. The child care facility shall take the first aid kit on field trips and outings as required by subsection 16.55.440K.; and
  2. Caregivers accompanying the children shall be certified in first aid and CPR as provided in subsection 16.55.290E.
- F. Specialized swimming activities shall be:
1. Held in swimming facilities which meet Municipal standards;
  2. Held at municipally owned and supervised beaches, when lakes are used as swimming sites;
  3. Supervised at all times by a lifeguard currently certified by the American Red Cross, YMCA, Boy Scouts of America or other equivalent certification. A lifeguard shall not be counted in the caregiver-to-child ratio;
  4. Supervised by additional staff in the following ratios:
    - a. Children 35 months and younger: swimming shall not be allowed;
    - b. Children from 3 years through 4 years: 1:5 child-to-staff ratio;
    - c. Children from 5 years through 12 years: 1:10 child-to-staff ratio;
    - d. Children from 13 years through 17 years: 1:20 child-to-staff ratio;
  5. Provide and use an approved personal flotation device for each child unable to swim or unable to stand in the shallow end of a swimming pool. The device shall be appropriate for the size and weight of the child. During swimming lessons, a child's use of a personal flotation device shall be at the discretion of the instructor and caregiver.
  6. Portable wading pools shall be exempt from the requirements of this subsection, except all children shall be directly supervised at all times when using such equipment.
- G. In addition to the requirements of this section, the plan for specialized boating activities shall address:
1. The boating site and its facilities;
  2. Types of boats to be used;
  3. A life guard plan;
  4. Safety equipment; and
  5. Provision for insurance.

**16.55.500**      **Centers serving sick children.**

- A. Purpose. The purpose of this section is the protection of the health, safety and well-being of sick children cared for in a child care and educational center.

1 B. General Requirements.

- 2 1. Centers serving sick children may be a separate child care and educational center  
3 licensed only to provide child care for sick children, or be a component of a licensed  
4 child care and educational center with facilities and rooms designated for use by sick  
5 children physically separated from other components of the center.  
6 2. A center serving sick children shall meet all applicable requirements of this chapter.  
7 In addition, the center shall meet all applicable provisions for centers serving sick  
8 children.  
9 3. A center serving sick children as the component of another licensed child care and  
10 educational center shall be issued a separate license for the care of sick children. The  
11 center shall ensure:  
12 a. The sick child care component is maintained physically separate from all other  
13 components of the center; and  
14 b. The physical space designated for use by sick children shall not be used by  
15 children or staff from any other component of the center. The administrator is  
16 exempt from this requirement, when not providing direct care.  
17

18 C. Levels of care. The level of regulation for the care of sick children shall be determined  
19 by the number of sick children for which the center is licensed, the types of illnesses  
20 served by the center, and the physical setting.

- 21 1. Level 1.  
22 a. Level 1 shall apply when a center providing child care for sick children meets all  
23 of the following criteria:  
24 i. Licensed for no more than eight sick children;  
25 ii. Serving only children with minor illnesses and those recuperating from acute  
26 episodic illnesses;  
27 iii. Not serving children with short-term physical disabilities or illnesses which  
28 require special equipment and staff; and  
29 iv. As the component of another licensed child care and educational center.  
30 b. When a center providing care for sick children is at level 1, the administrator for  
31 the licensed child care and educational center shall be permitted to serve as the  
32 administrator for the center for sick children.  
33 2. Level 2.  
34 a. Level 2 shall apply when a center providing for sick children meets any one of the  
35 following criteria:  
36 i. Licensed for nine or more sick children; or  
37 ii. Serving children with short-term physical disabilities or illnesses which  
38 require special equipment and staff; or  
39 iii. Serving children with illnesses or symptoms requiring separation or isolation  
40 from other children; or  
41 iv. Licensed to provide only child care for sick children.  
42 b. When a center providing child care for sick children is at level 2, the following  
43 requirements shall apply:  
44 i. The center shall employ an on-site administrator with no other responsibilities  
45 related to the care of well children; and

- ii. The center shall employ a licensed registered nurse, with documented experience in pediatric or community health nursing, to serve as administrator or caregiver.

D. Administration and organization.

1. Health consultant.

- a. A center providing child care for sick children shall have an agreement for continuing medical/nursing consultation from a licensed physician or a licensed registered nurse with experience in pediatric or community health nursing with a backup arrangement with a licensed physician.
- b. The medical/nursing consultant shall perform the following duties:
  - i. Oversee the development, review and approval in writing, of the center's written policies and procedures, and review and update the process annually;
  - ii. Provide at least quarterly on-site monitoring of the implementation of the written policies and procedures in the program; and
  - iii. Provide ongoing consultation to the program in its daily operation and the management of illness in individual children.

2. Policies and procedures.

- a. Generally. The program shall have written policies and procedures for operation including:
  - i. An admission policy;
  - ii. Infection control procedures;
  - iii. Methods for the daily care of children including procedures for recording each child's progress;
  - iv. Procedures for the care and referral of children for medical evaluation who develop worsening symptoms, including a listing of such symptoms;
  - v. Plans for staff training;
  - vi. Policy and procedures for staff communication with parents and health care providers;
  - vii. Plans for feeding children as appropriate to each child's illness or symptoms, and bathing of children as needed; and
  - viii. Procedures for cleaning and sanitation in the facility.
- b. Admission policy. A center serving sick children shall have written criteria for admission made available to the public, including:
  - i. A description of illnesses or symptoms to be served and specific illnesses or symptoms to be excluded;
  - ii. Ages of children to be served;
  - iii. A description of services offered; and
  - iv. Intake and admission procedures, including criteria for determining the appropriateness of a child's admission.
- c. Admission procedure.
  - i. Prior to admitting a child, the center shall require:
    - (A) A copy of the standard emergency record card and the child's health examination as required in subsections 16.55.300A. and 16.55.390G.;

- (B) A description, written and signed by the parent, of the child's current and recent illnesses, special diet, medication needs and symptoms requiring notification of parent or health care provider; and
    - (C) A written physical assessment of the child by the administrator or designated caregiver to determine the appropriateness of the child's attendance that day or the need for a medical evaluation prior to admission. In a level 2 center, the written assessment for arriving children shall be conducted by a licensed nurse.
  - ii. The center administrator shall determine admission given a child's history, symptoms and general condition.
  - iii. The center administrator shall have the authority to require a written medical evaluation for a child, to include diagnosis, treatment and prognosis, if such evaluation is necessary to verify the appropriateness of the child's attendance.
3. Criteria for admission or exclusion.
  - a. A center serving sick children may care for children with illnesses or symptoms which exclude them from another child care and educational center, except as prohibited in subsection b.
  - b. A center serving sick children shall not admit a child with the following symptoms, unless the program has written approval, or verbal approval with written follow-up, from a licensed physician:
    - i. Diarrhea continued beyond 3 days;
    - ii. Vomiting lasting over a six-hour period;
    - iii. Difficult or rapid breathing;
    - iv. Asthmatics with upper respiratory infections and coughing interfering with the child's ability to drink, talk or sleep;
    - v. Undiagnosed rash; or
    - vi. Fever over 103 degrees F. (oral) or 104 degrees F. (rectal).
  - c. A center serving sick children shall not admit any child with the following illnesses or symptoms:
    - i. Contagious stages of pertussis, measles, mumps, rubella, diphtheria, tuberculosis, shigella, giardiasis or chicken pox; or
    - ii. Untreated scabies or head lice.
  - d. A level 2 center may admit children needing postoperative convalescent care and children with short-term disabilities, including but not limited to tracheotomy tubes, colostomy or gastrostomy tubes or apnea monitors, or children with long-term disabilities exhibiting illnesses or symptoms excluding them from a day care program for well children, as long as the program ensures:
    - i. The center has, on staff, a licensed nurse with demonstrated competence to handle a specific disability;
    - ii. The center has appropriate equipment and staff with documented competence or experience in operating the equipment; and
    - iii. The center has, prior to admission, written permission from a licensed health care provider for each child and specification of any skilled nursing treatment to be provided to the child.

E. Staff.

1. Qualifications.

- a. The administrator of a level 1 center shall fulfill the requirements of sections 16.55.200 and .240 and, in addition, the administrator of a level 2 center shall have written evidence of immunizations against, or immunity from, rubella and measles.
- b. Caregivers shall fulfill the requirements of section 16.55.250 and shall have written evidence of immunizations against, or immunity from, rubella and measles.

2. Orientation and Training. A center serving sick children shall document orientation and training:

- a. Is received by each employee, including the administrator and substitutes;
- b. Is at least 40 hours for staff of level 1 centers and 60 hours for staff of level 2 centers;
- c. Is completed within three months from date of hire, and
- d. Shall include:
  - i. The recognition and care of sick children;
  - ii. The prevention and control of communicable disease;
  - iii. First aid and CPR;
  - iv. The center's policies and procedures;
  - v. Recognizing and documenting signs and symptoms of illness and common infectious diseases;
  - vi. Administration of medication;
  - vii. When and how to call for medical assistance;
  - viii. Infection control procedures;
  - ix. Communication with parents of sick children;
  - x. Immunizations; and
  - xi. Other care as required by admissible illnesses or conditions.

3. Staff-to-child ratios. A center serving sick children shall ensure the following minimum staff-to-child ratios:

Age of Child	Minimum Staff-to-Child Ratio
0 through 11 months	1 : 3
1 through 3 years	1 : 4
4 years and older	1 : 5

For mixed age groups with children under 24 months of age, the staff-to-child ratio shall be for the age of the youngest child present.

F. Health practices.

1. A center serving sick children shall immediately notify parents of any significant change in the child's illness or symptoms or any injury in the facility, and obtain instructions for action to be taken.

2. The center shall make prompt arrangement with the parents for obtaining medical evaluation or treatment for a child, if necessary, as determined by the program policies.
3. The center shall obtain emergency medical treatment without specific parental instruction as specified in subsection 16.55.390N.2.c.
4. The center shall periodically monitor each child's condition throughout the day as appropriate to the child's illness and plan for care.
5. A center serving sick children shall modify the program requirements of section 16.55.350 to meet the needs of sick children including:
  - a. Quiet and active indoor and outdoor activities, according to the development level, ability, and physical condition of each child;
  - b. Individual activities for use by children in the contagious stage of disease and by children not physically well enough to participate in group activities; and
  - c. Toys and equipment which are either disposable or able to be sanitized.
6. Children shall be given opportunity to nap or rest without distraction or disturbance from other activities in the center.
7. A center serving sick children shall follow the guidelines of the child care food program in the Code of Federal Regulations, but shall modify the menus to meet the individual physical condition of each child in care.

G. Physical environment and safety.

1. Separation from other rooms. A center serving sick children as a component of a licensed child care and educational center shall use rooms or an area and facilities physically separated by floor-to-ceiling walls from other components of the center.
2. Outdoor area.
  - a. A center licensed only for sick children shall not be required to have an outdoor play area, but shall have a written plan ensuring some safe outdoor activities.
  - b. In a center serving sick children as a component of a licensed child care and educational center, the outdoor play area for sick children shall be physically separated or used at separate times from well children.
3. Indoor area.
  - a. A center serving sick children shall have at least 50 square feet for each child with the measurement of space as specified by section 16.55.450.
  - b. Cots for resting shall be placed at least three feet apart when in use.
  - c. The center shall not use potty chairs, and shall ensure only soap from a liquid soap dispenser is used for handwashing.
  - d. The center shall ensure carpeted floors are vacuumed at least daily and shampooed at least monthly.
  - e. The center shall ensure all washable toys, equipment and furniture used for one group of children are washed and disinfected before use by another group.
  - f. The center shall ensure that a telephone or an intercom system is available to staff in every child care area.
  - g. Drinking fountains shall not be used.

**Section 3.** Implementation of chapter 16.55.

- A. Facilities licensed on the date this ordinance becomes effective shall comply on the effective date; however, licensed facilities, and facilities submitting completed applications within 30 days after the effective date of this ordinance, shall fully comply with new requirements within 90 days of the effective date,
  1. Unless specific correction is required sooner to protect the health and safety of children; and
  2. Unless otherwise provided in this Section 3.
- B. Facilities submitting a completed application more than 30 days after the effective date shall fully comply.
- C. For child care centers:
  1. Educational requirements.
    - a. Child care center administrators whose names appear on the license on the date of passage shall provide documentation of twelve semester hours of college credit as required under section 16.55.240 no later than June 30, 2005.
    - b. All centers shall meet the educational requirements of section 16.55.270 for associate administrators and child development leaders no later than January 31, 2006. Plans for meeting the educational requirements shall be submitted within three months of the effective date.
    - c. Child care center administrators without a bachelor's degree shall obtain the first three additional college credits for the continuing education requirements of section 16.55.240, or relevant training hours, no later than September 30, 2005. Child care center administrators with a bachelor's degree shall obtain the first three additional college credits, or relevant training hours, no later than September 30, 2006.
  2. Play yards. Play yard changes in section 16.55.440 shall be completed according to the following timelines:
    - a. No later than October 31, 2005, shock absorbing ground cover shall be installed and maintained under and around all play yard equipment, according to Consumer Product Safety Commission (CPSC) standards.
    - b. Adequate clearances, as defined by CPSC, for each piece of yard equipment, shall be provided according to the following timeline:
      - i. No later than July 31, 2005, standard scale drawing of the yard to include all dimensions, locations of existing equipment, and distances between pieces of equipment, shall be approved by the department, along with a written plan for correction, if necessary.
      - ii. No later than August 31, 2006, adequate clearances for each piece of yard equipment, as defined by CPSC, shall be provided.
  3. Ratios. For child care centers licensed on the effective date, infant ratios as provided in section 16.55.330 shall be in effect within one year of the effective date. New centers shall meet all ratio requirements upon licensure.



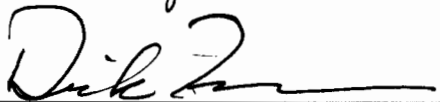
D. For child care homes the effective date of this ordinance is the day after this ordinance is passed, the authority for child care licensing has been delegated by the State to the Municipality of Anchorage, and is on or after July 1, 2004.

1. Child care homes licensed after the effective date shall have a play yard providing 75 square feet of usable outdoor space per child. Child care homes licensed on the effective date of this ordinance not meeting the 75 square feet requirement, or not having an approvable alternative off-site outdoor space, may continue with the current approved plan for outdoor play at the currently licensed location only.
2. Child care homes on a provisional license to care for seven or eight children at any one time, with no more than six children unrelated to the caregiver on the effective date of this ordinance, may continue caring for the same number of children through the end of the first licensed year.
3. Applicants completing all licensing orientations and submitting all required application information within 30 days after the effective date, may be licensed to care for eight or fewer children at any one time with no more than six children unrelated to the caregiver.
4. Child care homes licensed on the effective date of this ordinance shall receive in-service training required in subsection 16.55.290G. within twelve months of the effective date.

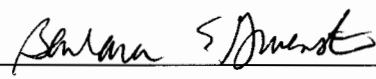
**Section 4. During the next year the Department of Health and Human Services will work with community after school care providers toward creating a separate set of regulations for school age care providers and to specifically re-examine staffing ratios, education requirements including: waivers, appropriate classes and recognition for experience, as well as financial impact of these regulations and workable implementation schedules. The Assembly will be informed of their recommendations by September, 2005.**

**Section 5 [4].** This ordinance shall be effective immediately upon passage except as specifically provided in Section 3. above.

PASSED AND APPROVED by the Assembly this 8<sup>th</sup> day of September, 2004.

  
Chair

ATTEST:

  
Municipal Clerk