

## Chapter 16.55 - ANCHORAGE CHILD CARE LICENSING CODE<sup>(1)</sup>

### Proposed Changes to AMC 16.55, Round 2; 2026

#### 16.55.010 - Title and purpose.

- A. These regulations may be known as the Anchorage Child Care Licensing Code.
- B. The purpose of the Anchorage Child Care Licensing Code is to establish and maintain standard levels of child care services and to provide and promote early educational opportunities offered to children in child care facilities. The standards and procedures in this chapter are intended to reduce predictable risk of harm to children, to improve quality of care, and to provide support services to those providing care for children.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### 16.55.015 - Powers of the department.

- A. The powers of the department include, but are not limited to:
  - 1. Licensing and supervising child care facilities in all areas of the Municipality of Anchorage. The boundaries of the municipality are as established in Section 1.02 of the Anchorage Municipal Charter. The jurisdiction area for municipal Child Care Licensing includes the entire Municipality of Anchorage (MOA), extending from Portage to the south and the Knik River Bridge to the north. The communities of Chugiak, Birchwood, Eklutna, Peters Creek, Eagle River, Anchorage, Bird, Girdwood, Portage and Indian are all included.
  - 2. Coordinating and developing policies, programs, and planning related to licensure and operation of child care and educational facilities regulated by this chapter.
  - 3. Publishing and adopting rules and regulations reasonable and necessary to carry out the purposes and provisions of this chapter.
  - 4. Entering into contracts and agreements necessary to carry out the functions, powers, and duties of the department under this chapter.
  - 5. Investigating facilities, applicants, administrators, caregivers, licensees, employees of licensees, individuals associated with licensees, and other persons for compliance with this chapter, including such persons or entities the department reasonably believes are operating a facility with or without a license or who may be in violation of this chapter.
  - 6. Enforcing requirements of this chapter.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### 16.55.020 - Adoption of the Alaska Child Care Licensing Statutes and Regulations.

- A. The state statutes and regulations listed below are referred to herein as the "Alaska Child Care Statutes and Regulations" and are adopted and incorporated by reference except as supplemented or modified in this chapter:
  - 1. 7 AAC 57.010 through 57.990, Child Care Facilities Licensing, except:
    - a. Delete all instances of "child care group home" and instead refer to the standard for a "child care center"; and

- b. 7 AAC 57.920, Appeals, is not adopted. References to hearings or appeals under 7 AAC 57.920 are replaced with reference to section 16.55.080.
- 2. AS 47.32.050 through 47.32.140, and AS 47.32.170 through 47.32.200, regarding facility licensure administration, except:
  - a. References to hearings under AS 47.32.150, Hearings, are replaced with reference to section 16.55.080.
- 3. AS 47.05.300, AS 47.05.310, AS 47.05.350 and AS 47.05.390, Criminal History, Registry.
- 4. 7 AAC 10.900 through 10.990, Barrier Crimes, Criminal History Checks, and Centralized Registry, except:
  - a. 7 AAC 10.935(a), (b), (e) and (f) are not adopted. Refer to section 16.55.065 for procedures under this chapter.
- 5. 7 AAC 10.1000 through 10.1095, Environmental Health and Safety, as applicable to child care facilities.
- 6. 7 AAC 10.9600 through 10.9615, Inspections and Investigations, except:
  - a. References to hearings under 7 AAC 10.9620, Hearings, are replaced with reference to section 16.55.080.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.025 - Conflict between Alaska Child Care Licensing Statutes and Regulations and this chapter.**

If there is a conflict or inconsistency between the Alaska Child Care Statutes and Regulations and this the provisions of this chapter, this chapter controls when it meets or exceeds the requirements of the Alaska Child Care Statutes and Regulations. Where provisions of the adopted Alaska Child Care Statutes and Regulations refer to another section of the state statutes or regulations that are not adopted, such reference shall be deemed to refer instead to the corresponding section of this chapter, unless there is no such corresponding section. After consultation with the municipal attorney, the director may declare a specific provision of this chapter does not meet or exceed the requirements of the Alaska Child Care Statutes and Regulations and direct by written policy that enforcement of said provision shall be suspended and the relevant Alaska Child Care Statutes and Regulations enforced in its place.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.030 - Definitions.**

Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases found in 7 AAC 57.990, 7 AAC 57.940, AS 47.05.390, AS 47.32.900, 7 AAC 10.990 and 7 AAC 10.9990 shall be the definitions of those same words and phrases used in this title, except as follows:

~~Associate administrator means a child care associate designated by the administrator to be in charge of the facility in the absence of the administrator.~~ **Repealed June 23, 2026**

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

~~Caregiver aide means a staff member who is 16 or 17 years old whose duties in a center include care and supervision of children and who has been approved by the department as a caregiver aide.~~ **Repealed June 23, 2026**

*Child care center* means a child care facility authorized to care for nine or more children.

*Child care facility:*

1. Means a place where child care is provided for children under 18 years of age for periods of time that are less than 24 hours in duration, unless nighttime care is authorized by the department;
2. Includes a child care center and a child care home; and
3. Includes the persons, administration, program, physical plant, other parts of the building housing the child care facility, and adjoining grounds over which the administrator or business owner of the child care facility has control.

*Child care home* means a child care facility authorized to care for no more than eight children;

*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.

*Days* means calendar days unless otherwise stated.

*Department* means the Anchorage Department of Health and Human Services, except where the context of the adopted state statute or regulation clearly requires it to mean the state Department of Health and Social Services, such as in reference to the central registry of entities and individual services providers provided pursuant to AS 47.05.330.

*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.

*Enrolled* means a child's parent or guardian has an agreement with a facility for that child to attend the facility regardless of whether that child receives full-time or part-time care. For the purposes of inspections or investigations the child does not need to be present during the inspection or investigation to be considered enrolled in a facility.

*Fall height* means the vertical distance between the highest designated play surface on a piece of equipment and the protective surfacing beneath it.

*Harmful treatment* means an act or acts performed upon a child, or the omission of an act, that could or does cause or allow harm to a child. Harmful treatment is less serious than abuse or neglect, as defined and determined by state law, and may include serious types of inappropriate discipline.

*Inappropriate discipline* means any disciplinary action or inaction prohibited in AMC 16.55.200 and 7 AAC 57.535.

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

*Junior helper* means a staff member age 13 through 17 years who is not a caregiver aide, who serves as an extra hand. A junior helper cannot be counted in the child-to-caregiver ratio either as a child or as a caregiver, and may never be alone with children.

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

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

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

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.040 - Immunity from liability.**

The department, its employees, and its agents 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, or any activities under this chapter.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.050 - License required; exemptions from licensure requirements.**

- A. A person or entity may not operate a facility regulated by this chapter without first obtaining a license under this chapter unless the person or entity is exempt under this section.
- B. The provisions of 7 AAC 57.015 are adopted and incorporated by reference, with modification and supplementation as follows:
  - 1. The following facilities are added to the list in 7 AAC 57.015(a) and exempt from the licensure requirements of this chapter:
    - a. A program that provides supervised educational training or instruction for children three years and older, including but not limited to sports, art, music, religion, computers, drama, or dance, and children's organizations including but not limited to Scouts, in which any child attends no more than six hours a week, with no more than three hours in a 24-hour period. One additional extended day function annually lasting 24 hours or less is allowed.
    - b. 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.

( [AO No. 2016-82](#), § 1, 8-9-16)

~~16.55.060 - Application for license; biennial renewal; posting of license.~~ **Repealed July 2025**

~~The provisions of 7 AAC 57.030 and the sections of AS 47.32 listed in section 16.55.020 are adopted and incorporated by reference, with modification and supplementation as follows:~~

- ~~A. Replace 7 AAC 57.030(a) with: "Orientation designed for child care provider licensees is required prior to licensure. Orientations for child care home facilities shall be repeated if a complete application is not received within twelve months of attendance at the initial orientation."~~
- ~~B. In addition to 7 AAC 57.030(c) and (d), an application submitted under this section shall contain:
  - ~~1. All applicable fees;~~
  - ~~2. Copies of all inspection reports, approvals, and variances issued by other approval agencies relating to the operation of a child care facility, including but not limited to agencies responsible for fire prevention, land use and environmental health and safety; and~~
  - ~~3. In a home, an agreement, on a form provided by the department, signed by the property owner allowing a child care home to be operated at the facility.~~~~
- ~~C. The department shall issue a license to the applicant if the department finds, after inspection and investigation:
  - ~~1. The facility, together with the operational plan, complies with the requirements and procedures of this chapter;~~
  - ~~2. The applicant has paid all applicable fees; and~~~~

~~3. The facility complies with other applicable local, state and federal laws and regulations.~~

( [AO No. 2016-82](#) , § 1, 8-9-16)

**16.55.065 - Barrier crimes and criminal history checks.**

The provisions of AS 47.05 and 7 AAC 10.900-10.990 listed as adopted in section 16.55.020 are incorporated by reference, with modification and supplementation as follows:

- A. Entities and persons applying for or receiving a license under this chapter, and each individual who is to be associated with them in a manner described in 7 AAC 10.900(b), are obligated to follow the procedures of 7 AAC 10.910.
- B. References in the adopted Alaska Child Care Statutes and Regulations to the criminal registry shall refer to such registry maintained by the State of Alaska, Department of Health and Social Services. All other references to "department" shall mean the department of health and human services of the municipality. Entities and individuals required to report to the department under this section shall report to both the state and the municipality.
- C. The director shall review requests for variances submitted to the department under 7 AAC 10.930. The terms "review committee" and "commissioner" is replaced with "director", and where in the state regulations a review committee is to report or recommend decisions to the commissioner, the director shall perform the relevant functions. An appeal from a decision of the director on a variance application shall be afforded in accordance with section 16.55.080.

( [AO No. 2016-82](#) , § 1, 8-9-16)

**16.55.070 - Monitoring, complaints, investigations, access to premises and records, enforcement actions (including license suspension, revocation and premises closure), and penalties.**

The provisions of 7 AAC 57.900, AS 47.32.090 through 47.32.140 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. References to AS 47.32.150, Hearings, are replaced with reference to section 16.55.080.
- B. Delete the last sentence of AS 47.32.140(f), setting forth the amount of civil fines, and replace with: "Fines assessed under this subsection may also be assessed for violations of AMC chapter 16.55. When civil fines are to be assessed separately from any other enforcement action and for conduct not the subject of an enforcement action, the department may assess a civil fine by serving a notice of violation (NOV) on the licensee or person alleged to have violated a provision of this chapter, in accordance with Title 14, Administrative Enforcement. Civil fines assessed by service of an NOV are imposed immediately and subject to a request for hearing and disposition as set forth in chapter 14.30. A civil fine assessed under this subsection shall be as set forth in section 14.60.030, or, if no fine is set forth in that section, a civil fine of not more than \$1,000.00 for each offense. In addition to any enforcement action and NOV, the department may seek injunctive relief to restrain a person from continuing a violation or threat of violation of this chapter, or both a civil penalty and injunctive relief. Upon application by the municipality for injunctive relief and a finding that a person or licensee is violating or threatening to violate a provision of this title or a municipal regulation promulgated under this title, the Superior Court shall grant injunctive relief to restrain the violation. Each day during which a violation of a provision described in this chapter occurs shall constitute a separate offense. Civil fines shall be paid within the time provided in section 14.50.040 when assessed by service of an NOV, or within 30 days of imposition of an enforcement action subsection D., or within 30 days after any appeal is denied. Failure to pay fines within the established times may result in suspension of the license or the individual's certification as a caregiver until such time as the fine is paid."

- C. If the department has reasonable cause to believe that a violation prompting enforcement action presents an imminent danger to health, safety, or welfare of the individuals in care, the enforcement action may be imposed immediately. An enforcement action under this subsection continues for the time period set by the department and may be continued until the department issues a report of investigation or inspection, and may be continued until a final disposition under subsection D. if the department's report concludes continuing the enforcement action is necessary to protect the health, safety, or welfare of the individuals in care. If an enforcement action imposed immediately under this subsection is appealed under section 16.55.080, the action shall continue in effect until lifted by the administrative hearings officer or the department. The administrative hearings officer may, but is not required to, expedite consideration of an appeal of such action.
- D. Except as provided in subsection C., an enforcement action may not be imposed until:
  - 1. The time period for requesting an appeal under this section has passed without a notice of appeal being filed with the director; or
  - 2. Following a timely notice of appeal under section 16.55.080, the administrative hearings officer issues an interim order allowing the enforcement action to be imposed, dismisses the appeal, or issues a final decision upholding the enforcement action.
- E. The department shall refer allegations of violations of state and municipal laws not adopted or incorporated by reference in this chapter 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 officers 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.
- F. The penalties and remedies provided in this section are not exclusive, but are cumulative of all other remedies available at law or in equity.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.080 - Hearings; appeals.**

- A. An appeal from a department decision described in this subsection shall be within the jurisdiction of the administrative hearings officer as provided in Title 14 Administrative Enforcement, section 14.20.020A.2., whom is hereby designated to hear and decide such appeals. Hearing procedures shall be conducted in accordance with chapter 3.60. A notice of appeal shall be submitted on a form provided by the department and filed with the director, whom shall forward the notice to the administrative hearings office. A notice of appeal must be filed with the director within 15 days after receipt of the notice of the enforcement action or of the date of notice of the department decision for other actions. The decisions appealable under this section are:
  - 1. Modification of the term or scope of the entity's existing license;
  - 2. Nonrenewal, denial, suspension or revocation of a license;
  - 3. Suspension of a facility's or licensee's operations;
  - 4. Suspension or a ban on the licensee's provision of child care services to additional or new children;
  - 5. An order of closure of the facility;
  - 6. Assumption by the department of temporary or permanent management of the facility or operations;

7. Order that the licensee prepare a plan of correction;
  8. Denial, modification or revocation of a variance under this chapter;
  9. Other decisions of the department or director issued in writing, other than imposition of civil fines by service of an NOV, that direct a change in status of a license regulated by this chapter.
- B. After a hearing is requested under this section, any final decision of the administrative hearing officer shall be made to the Superior Court, Third Judicial District, Anchorage, Alaska, no later than 30 days following service of that decision upon the affected person. Review by the court shall be limited to determining whether the decision of the hearing officer is supported by substantial evidence.
- C. If a hearing is not requested under this section, the department's notice of enforcement action constitutes a final non-appealable administrative order, which the department may enforce with court assistance.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **16.55.090 - Disclosure of department licensing records.**

The provisions of 7 AAC 57.055 and AS 47.32.180 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. References to AS 40.25 or other public records law are replaced with reference to chapter 3.90 of this Code, unless the context clearly requires reference to the other public records law.
- B. Records identified in the Alaska Child Care Licensing Statutes and Regulations as having confidential or privileged status shall only be disclosed in accordance with this section or by a valid court order. The department shall follow the procedures contained in chapter 3.90 for disclosure, denial, reconsideration, and appeal regarding requests for agency records.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### ~~16.55.100 - Administrator.~~ **Repealed June 23, 2026**

~~The provisions of 7 AAC 57.210 are adopted and incorporated by reference, with modification and supplementation as follows:~~

- ~~A. An administrator shall be licensed to operate a child care home only where the administrator resides or in a residential location where no one resides.~~

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **16.55.110 - Child care facility operation and management.**

The provisions of 7 AAC 57.220 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. A child care facility shall provide each staff member with a copy of the personnel policies at the time they begin employment or volunteer service and shall review the policies with each staff member.
- B. The personnel policies shall include:
  1. An equal employment statement;
  2. A termination policy; and
  3. A training plan.

- C. The person in charge at the facility shall remove any person from contact with children, and shall not allow any person to return to the facility to work, volunteer, or reside in the facility, if there is probable cause to believe the person has used harmful treatment.

( [AO No. 2016-82](#) , § 1, 8-9-16)

~~16.55.115 Insurance requirements.~~ **Repealed July 2025**

- ~~A. A child care facility shall maintain insurance coverage at all times as required by this section. It is unlawful to provide child care services regulated by this chapter without the required insurance coverage in effect.~~
- ~~B. A child care facility shall maintain comprehensive general liability insurance, including transportation coverage, if applicable, with a company authorized to write insurance policies in the State of Alaska, in an amount not less than:~~
- ~~1. \$300,000.00 per occurrence, and \$300,000.00 aggregate, for a facility licensed for five or fewer children;~~
  - ~~2. \$500,000.00 per occurrence, and \$500,000.00 aggregate, for a facility licensed for six through eight children;~~
  - ~~3. \$1,000,000.00 per occurrence, and \$1,000,000.00 aggregate, for a center licensed for nine through 40 children; and~~
  - ~~4. \$1,000,000.00 per occurrence, and \$2,000,000.00 aggregate, for a center licensed for 41 or more children.~~
- ~~C. Verification of the insurance policies:~~
- ~~1. The facility shall provide written proof of a policy required by subsection B with the initial application, whenever the policy is renewed, and when the facility's license from the municipality is renewed.~~
  - ~~2. The policy shall list the Municipality of Anchorage as an additional insured; and~~
  - ~~3. The facility or insurer shall give written notice to the department 30 days prior to the expiration, lapse or other termination of an insurance policy providing coverage required by this section. In addition, any time the facility or licensee receives any notice from an insurer of cancellation, lapse, nonrenewal or regarding coverage terms the facility or licensee shall immediately send a copy of such notice to the department. A lapse, cancellation, expiration, nonrenewal or termination of insurance coverage shall result in automatic suspension of the license for so long as the licensee is without insurance as required by this section.~~

( [AO No. 2016-82](#) , § 1, 8-9-16)

**16.55.120 - Reporting.**

The provisions of 7 AAC 57.240 and AS 47.32.200 are adopted and incorporated by reference, and supplemented as follows:

- A. A child care facility shall report the following changes to the licensing representative in writing as soon as possible, but not later than 90 days before:
1. A transfer of ownership of the child care business;
  2. Relocation of the facility; or
  3. The facility is to commence serving sick children.

- B. A child care facility shall immediately report any of the following to the department in writing:
1. Child abuse occurring in or related to a facility, following as required by state law reporting to the state agency responsible for child protection;
  2. Harmful treatment, child abuse or neglect occurring while the child is in facility's care;
  3. The disappearance of a child from a facility, along with appropriate notification of law enforcement as soon as the disappearance is known.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.130 - Qualifications and responsibilities of individuals requiring a background check in a child care facility.**

The provisions of 7 AAC 57.310 are adopted and incorporated by reference, except as follows:

- A. An individual associated with a child care facility in a manner described in 7 AAC 10.900(b) may not have contact with children, work, with or without compensation, or reside in a child care facility or in any other part of the premises that houses a child care facility, if the individual has the opportunity to gain access to the facility and is the perpetrator of harmful treatment as substantiated by department investigation.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.140 - Caregiver age requirements and additional qualifications for adolescent staff.**

The provisions of 7 AAC 57.320 are adopted and incorporated by reference, with modification and supplementation as follows: **Repealed June 23, 2026**

~~A.—A caregiver in a child care facility shall be at least 18 years old to count toward the child-to-caregiver ratio requirements of section 16.55.170. However, in a center, an individual age 16 or 17 who is a caregiver aide may be counted if:~~

- ~~1.—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; and~~
- ~~2.—The individual meets the same requirements, except for the age requirement, in 7 AAC 57.310 and section 16.55.140.~~

B. Facilities using junior helpers shall meet the following requirements:

1. The facility shall ensure the junior helper demonstrates compliance with requirements of this chapter;
2. Before having contact with children, the junior helper shall submit the following information:
  - a. An application to work or volunteer;
  - b. One written reference from an unrelated person;
  - ~~c.—If age 16 or 17, current tuberculin clearance as required by the state;~~
  - ~~d.—A self-prepared health history in accordance with 7 AAC 57.310;~~
  - ~~e.—Release of information form authorizing review of juvenile justice information to the extent allowed by law when determined by the department;~~
  - ~~f.—A record of current emergency information and current immunization record; and~~

- g. If the junior helper is a member of the administrator's household and the facility is a child care home, the junior helper does not need to submit the information listed in a., b., ~~d., or f.~~
- 3. ~~The facility shall provide orientation for the junior helper, and, if the junior helper will work with babies, documentation that the junior helper has completed a basic infant care orientation approved by the department;~~
- 4. The facility shall complete annual or interim performance appraisals; and
- 5. Assign only one junior helper to an adult staff member who is responsible to supervise the junior helper.

( [AO No. 2016-82](#), § 1, 8-9-16)

**~~16.55.150 – Orientation and training.~~ Repealed June 23, 2026**

~~The provisions of 7 AAC 57.350 are adopted and incorporated by reference, with modification and supplementation as follows:~~

- ~~A. A caregiver in a child care home shall:
 
  - 1. ~~Complete the minimum hours of training annually required by 7 AAC 57.350.~~
  - 2. ~~Complete at least 75 percent 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 may be approved by the department on a case by case basis.~~~~
- ~~B. Except for emergency caregivers set out in 7 AAC 57.500(h), at all times when children are present at the facility there shall be at least one caregiver with valid certifications for first aid (FA) and age appropriate cardiopulmonary resuscitation (CPR) for every 20 children or part thereof, in attendance.~~
- ~~C. While off site, at least one FA/CPR certified staff member shall accompany each group for every 20 children or part thereof.~~
- ~~D. At all times in a center, at least one infant caregiver for each 20 or fewer infants with current FA and infant CPR certifications shall be in the infant area.~~

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.160 - Information for parents.**

The provisions of 7 AAC 57.410 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. A child care facility shall supply a parent with the following information in writing at or before a child's admission:
  - 1. Nondiscrimination policy as required by state law and AMC chapter 5.20; and
  - 2. Policies concerning television and video viewing, video games, and computer use, in compliance with AMC 16.55.190C.—E.
  - 3. A statement of whether the facility has insurance coverage 39 or not, and if it does then the amount of coverage. A facility 40 shall provide a copy of its applicable insurance policy 41 when requested by a parent. **Added July 2025**

( [AO No. 2016-82](#), § 1, 8-9-16)

~~16.55.170~~ ~~Child to caregiver ratios in child care facilities.~~ **Repealed July 2025**

~~The provisions of 7 AAC 57.505 are adopted and incorporated by reference, with modification and supplementation as follows:~~

- ~~A. A child care home shall have no more than six children in care at any one time when initially licensed for the first 12 months.~~
- ~~B. Except as provided in subsection C., a center shall maintain, during all hours of operation, the following child to child to caregiver ratios and the following group size as required by section 16.55.180:~~

<del>Age of Children</del>	<del>Term for Age Group</del>	<del># Children</del>	<del># Caregivers</del>	<del>Max Group Size (children: caregivers)</del>
<del>6 weeks through 11 months, or older if not walking independently</del>	<del>Young Infants</del>	<del>4</del>	<del>1</del>	<del>8:2</del>
<del>12-18 months</del>	<del>Older Infants</del>	<del>5</del>	<del>1</del>	<del>10:2</del>
<del>19-36 months</del>	<del>Toddlers</del>	<del>6</del>	<del>1</del>	<del>12:2</del>
<del>3-4 years</del>	<del>Preschoolers</del>	<del>10</del>	<del>1</del>	<del>20:2</del>
<del>5-6 years</del>	<del>Kindergartners</del>	<del>10</del>	<del>1</del>	<del>20:2</del>
<del>7-12 years</del>	<del>School age</del>	<del>10</del>	<del>1</del>	<del>20:2</del>

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- ~~C. In a center, in groups where age ranges are mixed, the child to caregiver ratio for the youngest child shall apply.~~
- ~~D. A center shall not care for infants younger than six weeks.~~
- ~~E. There shall be a minimum of two caregivers present in a licensed child care center any time children are present.~~

( [AO No. 2016-82](#), § 1, 8-9-16)

~~16.55.180~~ ~~Maximum group size in child care centers.~~ **Repealed July 2025**

~~The provisions of 7 AAC 57.510 are adopted and incorporated by reference, with modification and supplementation as follows:~~

- ~~A. 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 16.55.170.~~
- ~~B. Groups may be combined during meal times.~~
- ~~C. 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 for the majority of each child's day.~~

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **16.55.190 - Program in child care facilities.**

The provisions of 7 AAC 57.520 are adopted and incorporated by reference as supplemented by this section as follows:

- 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.
- B. Full day centers shall provide children with supervised outdoor activity twice daily when weather and the individual child's tolerance permit.
- C. Screen viewing time, including TV, computers, and hand-held devices is prohibited for children under the age of two years.
- D. For children two years and older, screen viewing time, including TV, computers, and hand-held devices, shall:
  1. Be limited to no more than one hour in a 24-hour period, except for special occasions; and
  2. Be for physical or educational use that is specifically designed for the interest and benefit of the child.
- E. Children shall not be required to participate in screen viewing activities. Alternative activities shall be offered as an option for children during such times.
- F. For each infant under age 12 months a facility shall follow American Academy of Pediatrics Safe Sleep Guidelines for Infant Sleep Safety and SIDS Risk Reduction.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **16.55.200 - Behavior guidance.**

The provisions of 7 AAC 57.535 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. A child in care shall not be removed from the other children except under the following conditions:
  1. Before removing a child, the caregiver shall use appropriate social, emotional, and developmentally appropriate behavior guidance techniques;
  2. Children removed from other children shall be constantly supervised;
  3. Children removed from the group for any reason shall not be purposely humiliated; and
  4. Children removed from the group for other than out of control behavior shall be removed for a maximum of one minute per age of the child. The total time the child can be removed shall not exceed ten minutes except in the case of "out of control behavior" discussed in subsection C.
- B. If the behavior of a child becomes a risk to themselves or other children or staff, the caregiver shall use age-appropriate interventions. In a center, a member of the staff shall be designated to be responsible for supervising the child.

- C. "Out of control behavior" includes, but is not limited to, throwing objects, being physically aggressive toward others, continued biting, screaming or cursing with inability to calm down or stop, or hurting oneself, except when these behaviors are appropriate to the developmental stage of the child.
- D. In a child care facility, discipline or consequences shall be:
  - 1. Appropriate to the child's age and development;
  - 2. Related to the behavior;
  - 3. Articulated to the child through an explanation to the child before and at the time of the disciplinary action; and
  - 4. Administered immediately by the caregiver primarily responsible for the child.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **16.55.210 - Health in child care facilities.**

The provisions of 7 AAC 57.550 are adopted and incorporated by reference, with modification and supplementation as follows: **Repealed June 23, 2026**

- ~~A. Except for children attending intermittent and drop-in centers, a child in center care shall have a physical examination by a health care provider on file at the center.
  - ~~1. The exam shall be renewed annually until a child is five years old, and then biennially;~~
  - ~~2. The exam shall be on a form approved by the department, showing no contra-indications to attendance, and explaining special medical conditions;~~
  - ~~3. The exam may not be older than one year prior to the first date of attendance; and~~
  - ~~4. It may not be completed later than five weeks after the first date of attendance.~~~~
- B. In a child care home where an administrator resides, ill household members, including the administrator, shall be isolated from contact with children to reduce the risk of infecting them.
- C. A child shall not be deprived of clothing, and extra clothing shall be available for each child.

( [AO No. 2016-82](#), § 1, 8-9-16)

#### **~~16.55.220 - Nutrition.~~ **Repealed June 23, 2026****

~~The provisions 7 AAC 57.560 are adopted and incorporated by reference, with modification and supplementation as follows:~~

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

( [AO No. 2016-82](#), § 1, 8-9-16)

### **16.55.230 - Transportation.**

The provisions of 7 AAC 57.565 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. Any individual transporting children in a facility shall complete a vehicle safety checklist on a form provided by the department, prior to transporting children. The checklist shall be updated annually.
- B. The facility shall maintain in its records verification of insurance coverage and vehicle registration for any vehicle used to transport children, other than a commercial bus, except where the vehicle is owned and operated by a parent volunteer, who drives occasionally for field trips.
- C. Any driver transporting children under this section must be at least 18 years of age, have a current driver's license, not have an adverse driving record that could put children at risk, and meet all other requirements of this section.
- D. When transporting children enrolled in a center, the following child-to-caregiver ratios shall be met:
  1. The driver of a vehicle transporting only school age children 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 AMC 16.55.130, 7 AAC 57.310, 7 AAC 57.325, and 7 AAC 57.320;
    - 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 which addresses:
      - i. Systems to ensure all children are accounted for.
      - ii. Emergency plans, to include plans for accidents during transportation and any incident involving a child during transport such as illness or behavior guidance.
  2. A staff member driving school age children in a van or bus with seat belts may be counted in child-to-caregiver ratio only if all children 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.
- E. A facility shall utilize 911 in case of medical emergency.

( [AO No. 2016-82](#), § 1, 8-9-16)

### **16.55.240 - Government agency approvals.**

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

( [AO No. 2016-82](#) , § 1, 8-9-16)

16.55.250 - Environmental health and safety.

The provisions of 7 AAC 57.610 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. *Drinking water.* Drinking water shall be accessible to children at all times. Individual drinking cups, disposable paper cups, or bubbler fountains of the angle jet type shall be provided.

**Repealed July 2025**

~~B. *Toilets and hand sinks.* A facility shall meet the following standards for toilets and hand sinks:~~

- ~~1. For centers licensed after enactment of this chapter, there shall be adult use only toilets and sinks, maintained in a clean and sanitary manner. These toilets cannot be counted in the 1:15 toilet ratio for children.~~
- ~~2. For centers licensed after enactment of this chapter, restrooms serving children younger than school age shall have walls constructed in a manner that allows for supervision of the toileting area. These walls shall be 42 inches or less in height.~~
- ~~3. In centers licensed after enactment of this chapter or centers that remodel after enactment of this chapter, rooms serving children younger than school age shall have sinks installed in the classroom, near the entrance to the restroom.~~

~~B. *General sanitation.* A facility shall meet the following standards for general sanitation:~~

1. Wading pools shall be emptied daily immediately after the last child uses it.
2. Laundry facilities:
  - a. In a center, laundry facilities shall be separate from children's space.
  - b. In a home, laundry facilities not separated from children's space shall be child-proofed.
  - c. All facilities shall provide methods for handling soiled bedding and clothing that avoid cross contamination.

~~C. *Playground.* A facility shall ensure its playground is clean and free of hazards that may cause injury.~~

1. A facility installing equipment and/or making changes to 19 installed equipment, shall meet Consumer Product Safety 20 Commission (CPSC) guidelines. Following any such changes, 21 facilities shall provide documentation from a Certified 22 Playground Safety Inspector (CPSI) which states the 23 playground meets CPSC guidelines. **ADDED July 2025**

**Repealed July 2025**

~~If play equipment is designed for children to get off the ground, it must be manufactured for commercial use.~~

- ~~2. A facility must provide adequate clearance between the equipment and any objects able to cause injury, as set forth in the Consumer Product Safety Commission (CPSC) guidelines.~~
- ~~3. Areas around and under play equipment shall be covered with shock absorbing material in accordance with CPSC guidelines.~~
- ~~4. A facility shall submit documentation to the department of an inspection of installed equipment by a Certified Playground Safety Inspector (CPSI).~~
- ~~5. A facility making changes to playgrounds shall obtain prior department approval and meet CPSC guidelines. Following any such changes, facilities shall provide documentation from a CPSI which states the playground meets CPSC guidelines.~~

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.260 - Space.**

The provisions of 7 AAC 57.620 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. A child care home shall meet the same indoor and outdoor space requirements as set out in 7 AAC 57.620(b).
- B. Except as provided in this section, in a center the playground shall adjoin the building and shall be accessible safely by all children.
  - 1. A State of Alaska Approved Preschool Program that has approval status prior to August 9, 2016 and does not have access to an outdoor play area that adjoins the building, or has no alternate outdoor space, is exempt from this requirement and may be issued a license and have its license renewed without such outdoor space; provided no modifications are made to the approved plan on file with the State of Alaska prior to the date above. A modification includes, but is not limited to, changes to the age range of children served, number of hours in operation, ownership, and capacity. This exception expires upon a department finding of a substantial modification, or the revocation or nonrenewal of the license.
- C. In a center, infants and toddlers shall be separated from older children and hazards. Separate space may be provided through yard scheduling, fencing, or supervision.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.270 - Equipment and supplies.**

The provisions of 7 AAC 57.630 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. Children shall be carefully supervised when the use of electric toys, equipment or tools may create any danger of shock or burns.
- B. Cribs and play yards shall meet safety guidelines set by the Consumer Products Safety Commission (CPSC).
- C. Indoor play equipment allowing children to get off the floor shall:
  - 1. Meet the same standards required for outdoor equipment as set out in section 16.55.250D.
  - 2. For equipment with a fall height under five feet, have adequate shock-absorbing surfacing within the use zone;
  - 3. For equipment with a fall height five feet or higher, have adequate stationary, shock-absorbing surfacing; and
  - 4. Meet all manufacturers' specifications.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.280 - Specialized program activities.**

The provisions of 7 AAC 57.810 are adopted and incorporated by reference, with modification and supplementation as follows:

- A. Specialized swimming activities shall be:

1. Held in indoor swimming facilities that comply with chapter 16.15 or at municipally owned and supervised beaches, when lakes are used as swimming sites;
  2. Supervised at all times by a lifeguard with current certified by the American Red Cross, YMCA, Boy Scouts of America or other equivalent certification. A lifeguard shall not be counted in the child-to-caregiver ratio;
  3. Supervised by staff in the following ratios:
    - a. Children 35 months and younger shall not be allowed to participate in swimming activities;
    - b. Children from three years through four years: 1:5 child-to-caregiver ratio;
    - c. Children from five years through 12 years: 1:10 child-to-caregiver ratio;
  4. 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 a swim lesson, a child's use of a personal flotation device shall be at the discretion of the instructor and caregiver.
  5. 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.
- B. If the facility is conducting boating activities, the plan required under 7 AAC 57.810(b) shall address the following:
1. The boating site and its facilities;
  2. Types of boats to be used;
  3. Life guards;
  4. Safety equipment; and
  5. Insurance.

( [AO No. 2016-82](#), § 1, 8-9-16)

**16.55.290 - General variances.**

- A. The department may grant a general variance if:
1. The applicable requirements of 7 AAC 10.9500—AAC 10.9510 are met;
  2. An alternative means, acceptable to the department, satisfies the purpose of the requirement for which the variance is sought; and
  3. The health, safety, and welfare of recipients of services are protected.
- B. A child care facility seeking a general variance from a requirement of this chapter, 7 AAC 10.1000—7 AAC 10.1095, or 7 AAC 57 shall submit to the department, on a form supplied by the department, a request for a general variance. A request shall contain the following:
1. The requirement for which the variance is sought;
  2. The reasons why the facility is unable to comply with the requirement, a description of how the facility is not in compliance, and the extent to which compliance with the requirement will impose any substantial economic, technological, programmatic, legal, or medical hardship on the facility or recipients of services;
  3. The period of time for which the variance is requested;
  4. The proposed alternative means of satisfying the purpose of the requirement for which the variance is sought;

5. A statement as to how the health, safety, and welfare of recipients will be protected during the period of the variance;
  6. The plan for achieving compliance before the variance expires;
  7. Assurance that the conditions at the facility do not present an imminent danger to the health, safety, or welfare of recipients of services;
  8. If the request for a variance involves fire safety or another state or municipal requirement, evidence that the request has been reviewed by the appropriate authority; and
  9. Any additional information requested by the department to determine the effect of a variance on the health, safety, or welfare of the recipients of services.
- C. The department will evaluate a request for a general variance by:
1. Investigating the statements in the request form;
  2. Inspecting the facility, if appropriate; and
  3. Taking one or both of the following actions:
    - a. Conferring with the applicant or licensee regarding the request;
    - b. Discussing the request with the affected recipients of services or their representatives, as appropriate, to determine whether they support granting the variance.
- D. The department's decision to grant or deny a request for a general variance will be issued in writing and will be delivered to the person who made the request.
- E. Subject to F. of this section, the department may grant a general variance, for a period that does not exceed one year, if the department determines that the facility:
1. Is unable to comply with the requirement from which the variance is sought;
  2. Has an effective plan for achieving compliance during the term of the variance; and
  3. Is able to adequately provide for the health, safety, and welfare of recipients of services during the term of the variance.
- F. The department may grant a general variance for a longer period than allowed under this section if the department determines:
1. That:
    - a. Strict compliance with the requirement from which the variance is sought cannot be accomplished without substantial economic, technological, programmatic, legal, or medical hardship; or
    - b. The variance will maintain or improve the quality of services for recipients of services; and
  2. That the facility has an effective plan for meeting the goal of the requirement from which the variance is sought, and that the plan adequately protects the health, safety, and welfare of recipients of services and otherwise meets all statutory, regulatory, or code standards.
- G. A decision to grant a request for a general variance will identify the statutory, regulatory, or code requirement involved by section number and subject matter and state the duration, terms, and conditions of the variance, including the steps the facility must take to achieve compliance before the variance expires.
- H. A decision to deny a request for a general variance will be in writing and will state the reasons for the denial. The facility may reapply for a variance, addressing the department's stated reasons for the denial or may request reconsideration under L. of this section.

- I. If a facility violates a condition of a general variance granted under this section, the department will send written notice to the facility that the variance is revoked. The notice will advise that the facility may request reconsideration under L. of this section.
- J. If the department grants a request for a general variance, the facility shall post a copy of the general variance decision in a conspicuous place, with the facility's license as required by 7 AAC 10.940, during the period the variance is in effect, and shall make it available to any person who wishes to review it. A general variance remains in effect for the duration stated, unless the department revokes the variance under K. of this section.
- K. The department will revoke a general variance if the department finds that the facility is not following its plan for achieving compliance, or is no longer able to adequately provide for the health, safety, and welfare of recipients of services during the term of the variance. If the department decides to revoke a variance, it will provide written notice of revocation to the facility, setting out the reasons for the department's decision. The department will advise the facility of its right to request reconsideration under L. of this section. A notice of revocation issued under this subsection is effective 30 days after it is received by the facility unless a request for reconsideration is submitted. Nothing in this subsection precludes the department from issuing a notice of immediate revocation if the department finds that the life, health, safety, or welfare of recipients of services is threatened.
- L. If the department denies or revokes a variance subject to this chapter, the facility may submit a written request to the department for reconsideration of that decision within 30 days from the date the decision was received by the facility. The request must include:
  - 1. The requestor's name, mailing address, telephone number, and, if available, electronic mail address and facsimile number;
  - 2. A summary of the department's decision to be reviewed; and
  - 3. A clear and concise statement of the reason for the request, including:
    - a. A statement of the nature and scope of the requestor's interests, and an explanation of how and to what extent those interests would be directly and adversely affected by the decision;
    - b. The contested terms and conditions of the department's decision, and proposed alternatives; and
    - c. Copies of any documents or data that would assist the department in its review.
- M. After reviewing a request for reconsideration, the department will notify the facility in writing within 30 days after receiving the request, and will state the reasons for the department's final decision.
- N. For those child care centers exempt from the outdoor space requirements under section 16.55.260B.1., no application for a variance from such requirement is necessary.

( [AO No. 2016-82](#), § 1, 8-9-16)

~~16.55.300—Centers serving sick children.~~ **Repealed June 23, 2026**

- ~~A.—Purpose. The purpose of this section is the protection of the health, well being, and safety of sick children cared for in a child care center.~~
- ~~B.—General requirements.~~
  - ~~1.—A center serving sick children shall meet all requirements of this chapter and the Alaska Child Care Statutes and Regulations as well as the provisions for centers serving sick children in this section.~~
  - ~~2.—Centers serving sick children may be a separate child care center licensed only to provide child care for sick children, or it may be a component of a licensed child care center with facilities and~~

~~rooms designated for use by sick children physically separated from other components of the center.~~

~~3.—A center serving sick children as the component of another licensed child care center shall be issued a separate license for the care of sick children and shall ensure:~~

~~a.—The sick child care component is physically separated from all other components of the center; and~~

~~b.—The physical space designated for use by sick children shall not be used by children or staff from any other component of the center. The administrator is exempt from this requirement, when not providing direct care.~~

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

~~1.—Level 1: A center is Level 1 when it provides child care for sick children and meets all of the following criteria:~~

~~a.—Is licensed for no more than eight sick children;~~

~~b.—Serves only children with minor illnesses and those recuperating from acute episodic illnesses;~~

~~c.—Does not serve children with short-term physical disabilities or illnesses that require special equipment and staff;~~

~~d.—Operates as the component of another licensed child care and educational center;~~

~~e.—The administrator for the licensed child care and educational center shall be permitted to serve as the administrator for a Level 1 center for sick children.~~

~~2.—Level 2: A center is Level 2 if it provides child care for sick children and meets any one of the following criteria:~~

~~a.—Is licensed for nine or more sick children; or~~

~~b.—Serves children with short-term physical disabilities or illnesses that require special equipment and staff; or~~

~~c.—Serves children with illnesses or symptoms requiring separation or isolation from other children; or~~

~~d.—Is licensed to provide child care for sick children only.~~

~~e.—A Level 2 center providing child care for sick children must meet the following requirements:~~

~~i.—It shall employ an on-site administrator with no responsibilities 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 health consultant shall perform the following duties:~~

- ~~i.—Oversee the development, review and approval, of the center's written policies and procedures, and review and update those 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 that address the following:~~

- ~~i.—Admission policy;~~
- ~~ii.—Infection control;~~
- ~~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.—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. In addition to the requirements of section 16.55.160, 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 procedures required.~~

- ~~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 7 AAC 57.400(a) and 7 AAC 57.550(a).~~
  - ~~(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 State of Alaska licensed medical professional.~~~~
- ~~ii.—The center administrator shall determine whether admission is appropriate 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 that 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 from a licensed physician:~~
  - i. ~~Diarrhea continued beyond three 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 employs 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 or 2 center shall fulfill the requirements of 7 AAC 57.300, 7 AAC 57.310, 7 AAC 57.315, 7 AAC 57.320, 7 AAC 57.320, and AMC 16.55.130. The administrator of a Level 1 or 2 center shall have written evidence of immunization against, or immunity from, rubella and measles.~~
- b. ~~Caregivers of a Level 1 or 2 center shall fulfill the requirements of 7 AAC 57.310, 7 AAC 57.315, 7 AAC 57.320, 7 AAC 57.320, and AMC 16.55.130. Caregivers in a Level 1 or 2 center shall have written evidence of immunizations against, or immunity from, rubella and measles.~~

- ~~2. *Training.* A center serving sick children shall ensure the following training is received by each employee, including the administrator and substitutes, as follows:~~

- a. ~~Minimum of 40 hours for staff of a Level 1 center and a minimum of 60 hours for staff of a Level 2 center;~~
- b. ~~All required training must be completed within three months from date of hire;~~
- c. ~~The training 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. ~~Child-to-caregiver ratios.~~ A center serving sick children shall ensure the following minimum child-to-caregiver ratios:

Age of Children	Term for Age Group	# Children	# Caregivers	Max Group Size (children: caregivers)
<del>6 weeks through 11 months, or older if not walking independently</del>	<del>Young Infants</del>	<del>4</del>	<del>1</del>	<del>8:2</del>
<del>12—18 months</del>	<del>Older Infants</del>	<del>4</del>	<del>1</del>	<del>8:2</del>
<del>19—36 months</del>	<del>Toddlers</del>	<del>4</del>	<del>1</del>	<del>8:2</del>
<del>3 years</del>	<del>Preschoolers</del>	<del>4</del>	<del>1</del>	<del>8:2</del>
<del>4 years</del>	<del>Preschoolers</del>	<del>5</del>	<del>1</del>	<del>10:2</del>
<del>5—6 years</del>	<del>Kindergartners</del>	<del>5</del>	<del>1</del>	<del>10:2</del>
<del>7—12 years</del>	<del>School age</del>	<del>5</del>	<del>1</del>	<del>10:2</del>

- ~~4. For mixed age groups with children under 24 months of age, the child to caregiver 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 a 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 provided by the program policies.~~
- ~~3. The center shall obtain emergency medical treatment without specific parental instruction as specified in 7 AAC 57.400 (a)(1)(D-F).~~
- ~~4. The center shall periodically monitor each child's condition throughout the day as appropriate to the child's illness and plan of care.~~
- ~~5. A center serving sick children shall modify the program requirements of 7 AAC 57.520 and AMC 16.55.190 to meet the needs of sick children including provision of:
  - ~~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 that are 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 7 C.F.R. 226.20 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 areas 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 opportunities for 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 from that used by well children, or used at separate times from well children.~~~~
- ~~3. Indoor area.
  - ~~a. Centers for sick children shall provide 50 square feet of usable indoor space per child, exclusive of hallways, bathrooms, storage areas, office and administrative space, furnace and laundry rooms, crib space, diaper tables, cubbies, and any area children are prevented from using.~~
  - ~~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 area of the center where care is provided.~~

~~g.—Drinking fountains shall not be used.~~

( [AO No. 2016-82](#), § 1, 8-9-16)