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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 31, 2018

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: child care facilities licensing, training requirements for administrators and caregivers, and standards to address a child's out-of-control behavior (7 AAC 57.030(c); 7 AAC 57.240(b); 7 AAC 57.300(i); 7 AAC 57.340; 7 AAC 57.350; 7 AAC 57.410; 7 AAC 57.535(e))

| | |
|------------------------|-------------------|
| Attorney General File: | JU2017200321 |
| Regulation Filed: | 8/30/2018 |
| Effective Date: | 9/30/2018 |
| Print: | 227, October 2018 |

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 9 pages of regulations, dealing with Child Care Facilities Licensing (7 AAC 57), are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 44.29.020; AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.320; AS 47.05.330; AS 47.05.340; AS 47.32.010; AS 47.32.020; AS 47.32.030; AS 47.32.040; AS 47.32.050; AS 47.32.060; AS 47.32.080; AS 47.32.130; AS 47.32.140; AS 47.32.200, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on September 30, 2018, as provided in AS 44.62.180.

Date: 8-28-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services



FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on August 30, 2018, at 11:20 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor Mallott

Effective: September 30, 2018

Register: 227, October 2018

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



A handwritten signature in blue ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

Anchorage
3601 C Street, Suite 202
Anchorage, Alaska 99503-5923
Main: 907.269.7800
Fax: 907.269.0060

Juneau
350 Main Street, Suite 404
Juneau, Alaska 99801-1149
Main: 907.465.3030
Fax: 907.465.3068

**DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE HEREBY DELEGATED TO JON SHERWOOD, DEPUTY COMMISSIONER.

SIGNED:


Commissioner

VALERIE DAVIDSON
(Printed name)

SIGNED AND SWORN TO before me this 31st day of August, 2015.

[NOTARY SEAL]




Notary Public in and for the
State of Alaska
My commission expires: w/office

7 AAC 57.030(c) is repealed and readopted to read:

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

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

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

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

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

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

(E) the administrator of the facility or agency;

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

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

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

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

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

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

(8) the hours and days of operation;

(9) a copy of

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

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

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

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

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

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

(12) a current plan of operation for the facility, including an organizational chart, a staffing chart, other plans, policies, rules, program descriptions, schedules, forms, and materials; if these documents were previously submitted to the department, and no changes have occurred, the applicant is not required to resubmit them, but must verify that the previously submitted documents are still current;

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

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

(15) evidence that the designated administrator has completed training requirements under 7 AAC 57.350;

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

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am 6/29/2017, Register 222; am 9 / 30 /2018, Register 227)

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 44.29.020 | AS 47.05.340 | AS 47.32.050 |
| | AS 47.05.010 | AS 47.32.020 | AS 47.32.060 |
| | AS 47.05.310 | AS 47.32.030 | AS 47.32.080 |
| | AS 47.05.330 | AS 47.32.040 | |

7 AAC 57.240(b)(4) is amended to read:

(4) an unplanned change in any occurrence listed in (a) of this section; **and**

7 AAC 57.240(b) is amended by adding a new paragraph to read:

(5) suspension or expulsion of a child in care for challenging or out-of-control behavior.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am 9 / 30 /2018, Register 227)

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 44.29.020 | AS 47.05.330 | AS 47.32.030 |
| | AS 47.05.310 | AS 47.32.010 | AS 47.32.200 |

7 AAC 57.300 is amended by adding a new subsection to read:

(i) The administrator of a child care facility must meet the orientation and annual training requirement of 7 AAC 57.350. (Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am 9 / 30 /2018, Register 227)

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 44.29.020 | AS 47.32.010 | AS 47.32.030 |
|-------------------|--------------|--------------|--------------|

7 AAC 57.340 is amended to read:

7 AAC 57.340. Supervision of employees. A child care facility with one or more employees shall ensure that an inexperienced caregiver **has met the requirements under 7 AAC 57.350 and** is supervised by an experienced caregiver until the inexperienced caregiver is able to safeguard the health, safety, and welfare of the children in care. (Eff. 6/23/2006, Register 178; am 9 / 30 /2018, Register 227)

Authority: AS 44.29.020

AS 47.32.010

AS 47.32.030

7 AAC 57.350(a) is repealed and readopted read:

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

(1) the facility's policies and procedures;

(2) where appropriate, satisfying the individual needs of children;

(3) emergency procedures;

(4) an overview of the following required health and safety trainings, appropriate to the child care facility type described in 7 AAC 57.010(b)(2) and age of children served, which must be obtained from a training program approved by the department:

(A) prevention and control of infectious diseases, including immunizations;

(B) prevention of sudden infant death syndrome, and use of safe sleeping practices for children of all ages;

(C) administration of medication, consistent with standards for parental consent;

(D) prevention of and response to emergencies due to food and allergic reactions;

(E) building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;

(F) prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(G) emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event (such as violence at a child care facility), including procedures for evacuation, relocation, shelter-in-place and lock down; staff and volunteer emergency preparedness training and practice drills; communication and reunification with families; continuity of operations; and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions; in this subparagraph, “natural disaster” means a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons;

(H) handling and storage of hazardous materials and the appropriate disposal of bio contaminants;

(I) appropriate precautions in transporting children, if applicable;

(J) pediatric first aid and pediatric cardiopulmonary resuscitation (CPR);

(K) recognition and reporting of child abuse and neglect under state and local law; and

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

7 AAC 57.350(b) is amended to read:

(b) **Unless otherwise specified in this section, the** [THE] orientation **and training** required in (a) of this section must **be completed within three months from the individual’s**

date of hire[BEGIN AT THE TIME OF EMPLOYMENT, OR THE EFFECTIVE DATE OF A CONTRACT FOR A CAREGIVER UNDER CONTRACT, AND MUST BE COMPLETED WITHIN EIGHT WEEKS].

7 AAC 57.350(c) is amended to read:

(c) Training hours ~~are~~ ^{to} required in this section are clock hours and[, EXCEPT AS PROVIDED IN (d) OF THIS SECTION,] may include any training relevant to the caregiver's responsibilities, including health and safety, child growth and development, planning learning activities, guidance and discipline techniques, linkages with community services, communication and relations with families, and detecting and reporting child abuse and neglect. Training must be documented. Documentation must include the date, subject, method of training, duration, and the name of the individual who conducted the training.

7 AAC 57.350(d) is repealed:

(d) Repealed 9 / 30 /2018.

7 AAC 57.350(e) is repealed and readopted to read:

(e) A child care facility shall ensure that each of its caregivers has a valid certification for pediatric first aid and pediatric CPR. If certification courses are not available in the community in which the facility is located, a caregiver may

(1) receive instruction in pediatric first aid and CPR procedures through distance learning, training videos, and other materials approved by the department; and

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

7 AAC 57.350(f) is amended to read:

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

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am 9 / 30 /2018, Register 227)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.410(17) is amended to read:

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

7 AAC 57.410 is amended by adding a new paragraph to read:

(18) suspension and expulsion policy in compliance with behavior guidance practices in 7 AAC 57.535. (Eff. 6/23/2006, Register 178; am 9 / 30 /2018, Register 227)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.535(e) is amended to read:

(e) In a child care facility, when a child has a pattern of **out-of-control** [OUT OF CONTROL] behavior, the child may be removed from the company of other children until the child's behavior has stabilized. **Exclusionary practices are only to be used as a last resort in extraordinary circumstances where there is a serious safety concern that cannot be reduced or eliminated with reasonable accommodations.** In addition, the child care facility shall develop a **written** plan with the child's parent to **provide individualized social and emotional intervention supports for the child while the child is in care** [ADDRESS THE BEHAVIOR ISSUES]. **The plan must include methods for understanding the child's behavior, and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.**

(Eff. 6/23/2006, Register 178; am 9 / 30 / 2018, Register 227)

Authority: AS 44.29.020

AS 47.32.010

AS 47.32.030

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Byron Mallott
Lieutenant Governor

Date: August 29, 2018

File No.: JU2017200321

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services regulations re: child care
facilities licensing, training
requirements for administrators and
caregivers, and standards to address a
child's out-of-control behavior
(7 AAC 57.030(c); 7 AAC 57.240(b);
7 AAC 57.300(i); 7 AAC 57.340;
7 AAC 57.350; 7 AAC 57.410;
7 AAC 57.535(e))

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a general delegation dated December 5, 2014 from the Regulations Attorney. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern child care facilities licensing, update training requirements for administrators and caregivers, and update standards for excluding a child with a pattern of out-of-control behavior from the company of other children. If a child engages in a pattern of out-of-control behavior, the regulations also flesh out requirements for a written plan with a child's parent to provide the child individualized social and emotional intervention supports while the child is in care, and to include a team-based positive behavior support plan with the intent to to reduce a child's challenging behavior and prevent suspension or expulsion of the child.

The April 3, 2018 public notice and the August 28, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We note that the adoption order has a special effective date of September 30, 2018, and thus we request a filing date on or before August 31, 2018.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Hon. Valerie "Nurr'araaluk" Davidson, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Jon Sherwood, Deputy Commissioner
Department of Health and Social Services

Monica Windom, Director
Division of Public Assistance
Department of Health and Social Services

Samantha Ray
Division of Public Assistance
Department of Health and Social Services

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

Stacie L. Kraly, Chief Assistant Attorney General
Human Services Section


MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 5, 2014

Tel. No.: 465-3600

From: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Delegation of Authority for
Regulations Matters

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/pav

cc: Scott Meriwether, AAC Coordinator
Office of the Lt. Governor

Jim Cantor, Deputy Attorney General
Civil Division

Nancy Gordon, Statewide Office Chief
Civil Division

Steven C. Weaver, Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Cori Mills, Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Lisa Rickey, Legal Editor
Legislation and Regulations Section

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

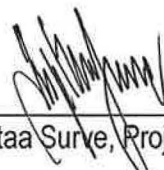
I, Triptaa Surve, Project Coordinator, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to the Child Care Facilities Licensing (7 AAC 57), has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Health & Social Services and Finance Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: July 26, 2018 ⁴



Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at Anchorage, Alaska 99503 on 7/26/2018
(date)

Cheryl Patterson

Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Staci Collier, Community Care Licensing Specialist III of Department of Health and Social Services, being sworn, state the following:

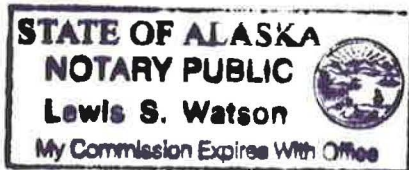
On May 14, 2018, at 1:00pm, in Room 890, Frontier Building, 3601 C St., Anchorage, AK 99503, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 57. Child Care Facilities Licensing.

Date: 7/26/18 4


Staci Collier
Community Care Licensing Specialist III

Subscribed and sworn to before me at Anchorage, Alaska
on 7/26/18
(date)


Notary Public in and for the State of Alaska




[NOTARY SEAL]

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Samantha Ray, Project Assistant for the Department of Health and Social Services, being duly sworn, state the following:

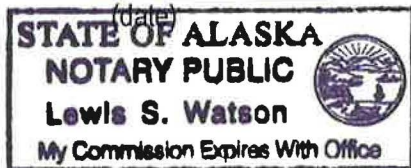
In compliance with AS 44.62.215, the Department of Health and Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health and Social Services regulation on Child Care Facilities Licensing (7 AAC 57).


Date: 7/26/18


Samantha Ray, Project Assistant

Subscribed and sworn to before me at Anchorage, Alaska

on 7/26/18
(date)




Notary Public in and for the State of Alaska

[NOTARY SEAL]

NOTICE OF PROPOSED CHANGES ON THE CHILD CARE FACILITIES LICENSING PROGRAM IN THE
REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the child care facilities licensing program.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the child care facilities licensing program, including the following:

- Article 1. Licensing Process (7 AAC 57.010 - 7 AAC 57.060), is proposed to be changed as follows: clarify the child care facility definition; clarify physical location of a facility, including any child care entity; clarify and amend licensure requirements exemptions; clarify licensure application requirements; amend training requirements for a designated administrator; clarify and amend renewal of a child care license application requirements; and clarify violations noted in a report.
- Article 2. Administration (7 AAC 57.200 – 7 AAC 57.240), is proposed to be changed as follows: Clarify day-to-day facility management; clarify and amend administrator requirements; clarify operations of another business on the child care facility premises; add sufficient language skills requirement; add facility reporting requirements; and clarify and amend facility form and record requirements.
- Article 3. Personnel (7 AAC 57.300 - 7 AAC 57.350), is proposed to be changed as follows: clarify and amend administrator qualifications; clarify and amend employee qualifications and responsibilities; add System for Early Education Development (SEED) Registry employee registration requirement; adding caregiver pediatric first aid and cardiopulmonary resuscitation (CPR) certification requirements; clarify and amend employee supervision; clarify and amend orientation and annual training requirements; and add specific SEED level administrator requirement
- Article 4. Admissions (7 AAC 57.400 – 7 AAC 57.410), is proposed to be changed as follows: clarify and amend admission and care planning requirements, and the information a child care facility must give a parent at or before a child's admission.
- Article 5. Care and Services (7 AAC 57.500 – 7 AAC 57.565), is proposed to be changed as follows: clarify and amend supervision of children requirements; amend school age supervision requirements; amend age requirement for designation in the event of an emergency; clarify and amend child-to-caregiver ratio requirements; clarify program requirements; amend screen viewing time requirements; clarify plan of care requirements for a child with special needs; clarify and amend behavior guidance requirements; clarify and amend nutrition requirements; and clarify and amend transportation requirements.
- Article 6. Environment (7 AAC 57.610 – 7 AAC 57.630), is proposed to be changed as follows: clarify and amend space requirements; and clarify and amend equipment and supplies requirements.
- Article 7. Specializations (7 AAC 57.800 – 7 AAC 57.810), is proposed to be changed as follows: clarify and amend night-time care specialization and specialized program activity requirements.
- Article 8. Miscellaneous Provisions (7 AAC 57.900 – 7 AAC 57.990), is proposed to be changed as follows: clarifying and amend definitions.

- Proposed to be repealed:
 - 7 AAC 57.030(a), is proposed to be repealed. The intended effect of this repeal is to clarify application requirements for a child care license.
 - 7 AAC 57.330, is proposed to be repealed. The intended effect of this repeal is to remove the requirement for a child care associate.
 - 7 AAC 57.500(j), is proposed to be repealed. The intended effect of this repeal is to clarify the language for school age supervision requirements.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C Street, Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 and by electronic mail at samantha.ray@alaska.gov. The comments must be received not later than 5 p.m. on May 31, 2018.

Oral or written comments also may be submitted at a hearing to be held on May 14, 2018, at the Frontier Building, in conference room 890, 3601 C St., Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3 p.m. and might be extended to accommodate those present before 2 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-(800) 754-1346 (toll free).

You may submit written questions relevant to the proposed action to Samantha Ray by email at samantha.ray@alaska.gov or at 3601 C Street, Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx> and its website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Samantha Ray at samantha.ray@alaska.gov or by telephone at (907) 269-4681 not later than May 4, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Samantha Ray at samantha.ray@alaska.gov or by telephone at (907) 269-4681.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Samantha Ray at samantha.ray@alaska.gov or by telephone at (907) 269-4681.

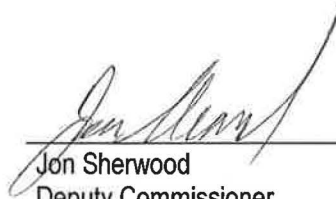
After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 44.29.020; AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.320; AS 47.05.330; AS 47.05.340; AS 47.32.010; AS 47.32.020; AS 47.32.030; AS 47.32.040; AS 47.32.050; AS 47.32.060; AS 47.32.080; AS 47.32.120; AS 47.32.130; AS 47.32.140; AS 47.32.180; AS 47.32.200.

Statutes being implemented, interpreted, or made specific: AS 44.29.020; AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.320; AS 47.05.330; AS 47.05.340; AS 47.32.010; AS 47.32.020; AS 47.32.030; AS 47.32.040; AS 47.32.050; AS 47.32.060; AS 47.32.080; AS 47.32.120; AS 47.32.130; AS 47.32.140; AS 47.32.180; AS 47.32.200.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation

DATE: 3-29-18



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON THE CHILD CARE FACILITIES LICENSING PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the child care facilities licensing program, including the following:

- Article 1. Licensing Process (7 AAC 57.010 - 7 AAC 57.060), is proposed to be changed as follows: clarify the child care facility definition; clarify physical location of a facility, including any child care entity; clarify and amend licensure requirements exemptions; clarify licensure application requirements; amend training requirements for a designated administrator; clarify and amend renewal of a child care license application requirements; and clarify violations noted in a report.
- Article 2. Administration (7 AAC 57.200 – 7 AAC 57.240), is proposed to be changed as follows: Clarify day-to-day facility management; clarify and amend administrator requirements; clarify operations of another business on the child care facility premises; add sufficient language skills requirement; add facility reporting requirements; and clarify and amend facility form and record requirements.
- Article 3. Personnel (7 AAC 57.300 - 7 AAC 57.350), is proposed to be changed as follows: clarify and amend administrator qualifications; clarify and amend employee qualifications and responsibilities; add System for Early Education Development (SEED) Registry employee registration requirement; adding caregiver pediatric first aid and cardiopulmonary resuscitation (CPR) certification requirements; clarify and amend employee supervision; clarify and amend orientation and annual training requirements; and add specific SEED level administrator requirement
- Article 4. Admissions (7 AAC 57.400 – 7 AAC 57.410), is proposed to be changed as follows: clarify and amend admission and care planning requirements, and the information a child care facility must give a parent at or before a child's admission.
- Article 5. Care and Services (7 AAC 57.500 – 7 AAC 57.565), is proposed to be changed as follows: clarify and amend supervision of children requirements; amend school age supervision requirements; amend age requirement for designation in the event of an emergency; clarify and amend child-to-caregiver ratio requirements; clarify program requirements; amend screen viewing time requirements; clarify plan of care requirements for a child with special needs; clarify and amend behavior guidance requirements; clarify and amend nutrition requirements; and clarify and amend transportation requirements.
- Article 6. Environment (7 AAC 57.610 – 7 AAC 57.630), is proposed to be changed as follows: clarify and amend space requirements; and clarify and amend equipment and supplies requirements.
- Article 7. Specializations (7 AAC 57.800 – 7 AAC 57.810), is proposed to be changed as follows: clarify and amend night-time care specialization and specialized program activity requirements.
- Article 8. Miscellaneous Provisions (7 AAC 57.900 – 7 AAC 57.990), is proposed to be changed as follows: clarifying and amend definitions.
- Proposed to be repealed:
 - 7 AAC 57.030(a), is proposed to be repealed. The intended effect of this repeal is to clarify application requirements for a child care license.
 - 7 AAC 57.330, is proposed to be repealed. The intended effect of this repeal is to remove the requirement for a child care associate.

- 7 AAC 57.500(j), is proposed to be repealed. The intended effect of this repeal is to clarify the language for school age supervision requirements.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C Street, Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 and by electronic mail at samantha.ray@alaska.gov. The comments must be received not later than 5 p.m. on May 31, 2018.

Oral or written comments also may be submitted at a hearing to be held on May 14, 2018, at the Frontier Building, in conference room 890, 3601 C St., Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3 p.m. and might be extended to accommodate those present before 2 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-(800) 754-1346 (toll free).

You may submit written questions relevant to the proposed action to Samantha Ray by email at samantha.ray@alaska.gov or at 3601 C Street, Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx> and its website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Samantha Ray at samantha.ray@alaska.gov or by telephone at (907) 269-4681 not later than May 4, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Samantha Ray at samantha.ray@alaska.gov or by telephone at (907) 269-4681.

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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation

DATE: 3-29-18



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Child Care Facilities Licensing
3. Citation of regulation (may be grouped): 7 AAC 57
4. Department of Law file number, if any: JU2017200321

5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Child Care and Development Block Grant (CCDBG) Act of November 2014
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - (X) Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: Public Assistance/Child Care Benefits

7. Estimated annual cost to comply with the proposed action to:
 - A private person: Estimated annual costs will vary depending on health and safety training and certification, administrator oversight of one child care facility only, continuing education requirement, child-to-caregiver ratio operation, and a provider establishing their own business practices.
 - Another state agency: None.
 - A municipality: None.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

| | Initial Year FY <u>2019</u> | Subsequent Years |
|-------------------------------|--------------------------------|---------------------|
| Operating Cost | <u>\$ 0</u> | <u>\$ 0</u> |
| Capital Cost | <u>\$ 0</u> | <u>\$ 0</u> |
| 1002 Federal receipts | <u>\$ 0</u> | <u>\$ 0</u> |
| 1003 General fund match | <u>\$ 0</u> | <u>\$ 0</u> |
| 1004 General fund | <u>\$ 0</u> | <u>\$ 0</u> |
| 1005 General fund/ program | <u>\$ 0</u> | <u>\$ 0</u> |
| Other (identify) | <u>\$ 0</u> | <u>\$ 0</u> |

9. The name of the contact person for the regulation:
Name: Samantha Ray
Title: Program Coordinator I
Address: 3601 C Street, Suite 140, Anchorage, AK 99503
Telephone: (907) 269-4681
E-mail address: samantha.ray@alaska.gov

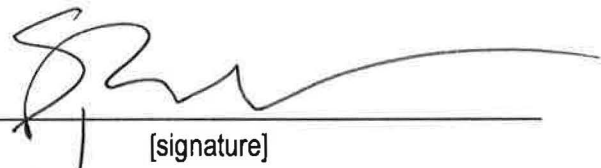
10. The origin of the proposed action:

☒ Staff of state agency
☒ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11.

Date: 3/5/2018

Prepared by: _____


[signature]

Name (printed): Samantha Ray

Title (printed): Program Coordinator I

Telephone: (907) 269-4681

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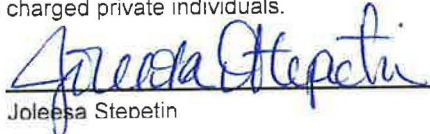
Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on


April 03, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed


Joleesa Stepetin

Subscribed and sworn to before me
this 3rd day of April, 2018


Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

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