

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve, Department of Health

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 9, 2024

RE: Filed Permanent Regulations: Department of Health

Department of Health regulations re: DPA CCPO Child Care Facilities Licensing (7 AAC 57.015 - .990)

Attorney General File:	2024200094
Regulation Filed:	9/9/2024
Effective Date:	10/9/2024
Print:	252, January 2025

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

September 6, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *7 AAC 57.015-.990 - Health - DPA CCPO Child Care Facilities Licensing*
Our file: 2024200094

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Health against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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 after the close of the public comment period.

The regulations concern the licensing, operation, and management of child care facilities and staff. The adopted regulations add more education and certification options to qualify as an administrator of a child care facility and replaces the staff categorization of child care associate with administrator's designee. Finally, the regulations conform the exemptions from licensure requirements to federal guidelines.

The May 20, 2024, public notice and the September 5, 2024, adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and Legislative
Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.09.06
11:41:06 -08'00'

RCP/KMD

CC w/enclosure: Triptaa Surve, Project Coordinator
Department of Health

Laura Russell, Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH

The attached six pages of regulations, dealing with Child Care Facilities Licensing, are adopted and certified to be a correct copy of the regulation changes that the Department of Health adopts under the authority of AS 44.29.020, AS 47.05.310, AS 47.05.320, AS 47.05.330, AS 47.05.340, AS 47.32.010, AS 47.32.020, AS 47.32.030, and 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 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Heidi Hedberg
Digitally signed
by Heidi Hedberg
Date: 2024.09.05
08:18:21 -08'00'

Heidi Hedberg, Commissioner
Department of Health

FILING CERTIFICATION

for April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 9,

2024, at 1:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for April Simpson
Lieutenant Governor Nancy Dahlstrom

Effective: October 9, 2024

Register: 252, January 2025

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

7 AAC 57.015(a) is amended by adding a new paragraph to read:

(12) a facility approved by the Office of Child Care and a tribal lead agency in accordance with the Child Care and Development Fund requirements under 45 C.F.R. Part 98 Subpart I - Indian Tribes of the United States Department of Health and Human Services, Administration for Children and Families.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 6/29/2017, Register 222; am 10 / 9 / 2024, Register 252)

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

7 AAC 57.210(b) is amended to read:

(b) During **a period** [PERIODS] when the administrator is absent from the facility **for 30 or fewer consecutive days**, the governing body, [OR] owner, **or administrator** of a child care facility with one or more employees shall designate an onsite adult caregiver **to act on the administrator's behalf during the administrator's absence** who meets the age and qualification requirements of 7 AAC 57.300(a) and **7 AAC 57.300(b)(1) - (3)** [7 AAC 57.300(b),] and has at least one year of child care experience [, TO ACT ON BEHALF OF THE ADMINISTRATOR IN THE ADMINISTRATOR'S ABSENCE. THE DESIGNATED CAREGIVER MAY BE A CHILD CARE ASSOCIATE QUALIFIED UNDER 7 AAC 57.330]. If the administrator is absent for **more than 30 consecutive days** [THREE CONSECUTIVE DAYS OR LONGER], the child care facility governing body, [OR] owner, **or administrator** shall designate **an administrator designee** [A CHILD CARE ASSOCIATE] **who is** qualified under **7 AAC 57.300** [7 AAC 57.330] to act on behalf of the administrator.

The introductory language of 7 AAC 57.210(c) is amended to read:

(c) **The** [UNLESS THE GOVERNING BODY OR OWNER OF A CHILD CARE FACILITY HAS PREVIOUSLY DESIGNATED AN ONSITE CHILD CARE ASSOCIATE WHO IS QUALIFIED UNDER 7 AAC 57.330, THE] administrator may **not** be responsible for [NO] more than two child care facilities and must be onsite during daytime hours while the facility is providing child care as follows:

...

(Eff. 6/23/2006, Register 178; am 10 / 9 / 2024, Register 252)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.220(b)(2) is amended to read:

(2) in a child care center, schedule work hours so that an administrator, designated onsite adult caregiver, or the administrator's designee is on-site and available to staff, parents, and children while children are present at the facility [; IN A CHILD CARE CENTER THAT SERVES FEWER THAN 30 CHILDREN, THE GOVERNING BODY OR OWNER OF A CHILD CARE FACILITY SHALL, EITHER DIRECTLY OR BY DELEGATION TO THE ADMINISTRATOR, SCHEDULE WORK SO THAT EITHER AN ADMINISTRATOR OR CHILD CARE ASSOCIATE IS ON-SITE AND AVAILABLE TO STAFF, PARENTS, AND CHILDREN WHILE CHILDREN ARE PRESENT AT THE FACILITY];

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

10 / 9 / 2024, Register 252)

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

AS 47.05.320

7 AAC 57.300(d) is amended to read:

(d) The administrator of a child care center [MUST] **shall provide proof of education that is appropriate to the age and development of the children in care. The education requirement in this section includes**

(1) a System for Early Education Development (SEED) career ladder level 7 certificate or higher; [HAVE]

(2) at least 12 semester hours of college credit in early childhood development, child development, child psychology, elementary education, or the equivalent; however, college credit in management may substitute for three of the 12 required hours; [, OR MUST HOLD EITHER]

(3) a current child development associate (CDA) credential from the Council for Early Childhood Professional Recognition; [OR]

(4) a Montessori certificate issued by a program accredited by the Montessori Accreditation Commission for Teacher Education;

(5) a school age child care education certificate or child youth care credential; or

(6) another early childhood education certificate or credential approved by the Department. [COLLEGE CREDIT IN MANAGEMENT MAY SUBSTITUTE FOR THREE OF THE 12 REQUIRED HOURS. THE ADMINISTRATOR OF A CHILD CARE CENTER FOR SCHOOL-AGE CHILDREN MAY SUBSTITUTE RELEVANT COLLEGE

COURSES, EXCEPT THAT AT LEAST THREE SEMESTER HOURS OF COLLEGE CREDIT IN CHILD DEVELOPMENT ARE REQUIRED.]

7 AAC 57.300(e) is amended to read:

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

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am 9/30/2018, Register 227; am 10 / 9 / 2024, Register 252)

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 57.330 is repealed:

7 AAC 57.330. Additional employee qualifications for child care centers. Repealed.

(Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; repealed 10 / 9 / 2024, Register 252)

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 annual training relevant to child care and development. At [, at] least one hour of **annual training** [WHICH] must **address a** [BE ON ONE OF THE] health and safety training **topic** [TOPICS IDENTIFIED] in (a)(4) of this section [,] based on the individual's hire date with the facility. Except as provided in (j) of this section, the 24 hours **of annual training** 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. **An administrator or caregiver may satisfy the** [THE] annual training requirements of this subsection [MAY BE SATISFIED EACH YEAR] by obtaining college credit relevant to child care and development if **the department approves the credit** [APPROVED BY THE DEPARTMENT]. Approved coursework must include at least one of the health and safety training topics identified in (a)(4) of this section.

7 AAC 57.350(j) is amended to read:

(j) An administrator [, CHILD CARE ASSOCIATE,] or caregiver may count up to six hours of the orientation and pre-service training hours required under 7 AAC 57.030(a) for the first year's training hours required under (f) of this section. (Eff. 6/23/2006, Register 178; am 5/15/2016, Register 218; am 9/30/2018, Register 227; am 2/6/2020, Register 233; am 10 / 9 / 2024, Register 252)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 57.990(a)(5) is repealed:

(5) repealed 10 / 9 / 2024 ;

7 AAC 57.990(b) is amended by adding a new paragraph to read:

(6) "administrator designee" means an adult caregiver who meets the age and qualification requirements of 7 AAC 57.300, and has at least one year of child care experience, who is authorized to act on behalf of the administrator in the event of the administrator's absence for more than 30 days. (Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 5/15/2016, Register 218; am 10 / 9 / 2024, Register 252)

Authority: AS 44.29.020 AS 47.32.030

((Publisher, please change the period at the end of 7 AAC 57.990(b)(5) to a semicolon.))