CHAPTER 67:42:10

LICENSED DAY CARE PROGRAMS

Section

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67:42:10:00. Definitions. Terms used in this chapter mean:

(1) "Day care center," a facility for the care and supervision of 21 or more children on a regular basis for part of a day as a supplement to regular parental care;

(2) "Day care program" or "program," refers to both day care centers and group family day care homes; and

(3) "Group family day care home," a facility where regular supervision of 13 to 20 children is provided for part of a 24-hour period as a supplement to regular parental care.

Source: 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:01. Statement defining purpose and function. A licensed day care program shall submit to the department a statement of its purpose and function, the maximum number of children to be cared for, proposed age levels, its hours of service, and a description of the day care program.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:13, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:05, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:02. Qualifications for director or proprietor. The director or proprietor of a day care program must be at least 18 years of age.

The director shall demonstrate the ability to provide care for children that attends to the child's physical growth and development and to the physical, emotional, cognitive, and social needs of the child.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:16, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:07, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 25-7A-56, 26-6-16.

Cross-Reference: Staff records and qualifications, § 67:42:10:09.

67:42:10:02.01. Qualifications for individual responsible for program planning and staff supervision. The individual responsible for planning and implementing the program of the day care center and for supervising staff must be at least 18 years of age, may not have on record a substantiated report of child abuse or neglect, and must meet one of the following requirements:

(1) Have a bachelor's degree in the field of education or human development and at least two years of experience in a child care setting;

(2) Have a bachelor's degree in elementary education and at least two years of experience in a child care setting if the center cares for preschool-aged children;

(3) Have a bachelor's degree in elementary education if the center cares for school-aged children only;

(4) Have a bachelor's degree in the field of early childhood education;

(5) Have an associate of arts degree in the field of early childhood development;

(6) Be certified as a child development associate;

(7) Have a prekindergarten teacher endorsement;

(8) Hold certification in a Montessori teacher training program and have at least one year of experience in Montessori school or child care setting; or

(9) Have a child development technician diploma.

The department may waive the requirements of this section if an individual met the requirements of this section before September 29, 2004.

Source: 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Note: Information relating to certification as a child development associate may be obtained from the South Dakota Department of Social Services, Office of Child Care Services, 700 Governors Drive, Pierre, South Dakota 57501 (1-800-227-3020).

67:42:10:03. Transferred to § 67:42:10:10.

67:42:10:04. Responsibilities of and qualifications for teacher. Repealed.

Source: SL 1975, ch 16, § 1; 1 SDR 30, effective October 13, 1974; transferred from § 67:14:19:17, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:08, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209,

effective July 6, 1986; 20 SDR 223, effective July 7, 1994; repealed, 31 SDR 40, effective September 29, 2004.

67:42:10:05. Qualifications of staff members. A child care worker must be at least 18 years old and must work under the supervision of an individual who meets the requirements of § 67:42:10:02.01. A child care worker may be included in the staff-child ratio.

A secondary child care worker must be at least 14 years old and may be counted in the staff-child ratio only when under the direct and constant supervision of a teacher, the center director, or a child care worker and when there are at least two adults present in the center. A secondary child care worker may not be left alone with children in care.

The provisions of §§ 67:42:10:06 and 67:42:10:09 apply to child care workers, secondary child care workers, and support staff such as cooks, bus drivers, and others who have contact with children.

The provisions of § 67:42:10:09 apply to auxiliary staff, which includes those individuals such as cooks, janitors, and secretaries who provide assistance with the operation of the program but do not have direct contact with children in care.

A volunteer filling any of these positions must meet the applicable requirements.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:18, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:09, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References: Revocation or refusal to issue or renew license or registration for child abuse or violence, SDCL 26-6-23.1.

67:42:10:06. Staff development and training. Each program must have and implement a written training plan. Each staff member for a group family day care home shall participate in 10 hours of training annually. Each staff member for a day care center shall participate in 20 hours of training annually. Training must be obtained in the following areas:

(1) Child growth and development;
(2) Detecting and reporting child abuse and neglect;
(3) Guidance and behavior management;
(4) Food handling techniques;
(5) Identification and prevention of communicable diseases;
(6) Program health and safety;
(7) Nutrition for children;
(8) Program management and regulation;
(9) Communication and relations with staff;
(10) Cultural diversity;
(11) Learning environments;
(12) Age-appropriate activities and planning;
(13) Professionalism;
(14) Partnerships with parents;
(15) Inclusion of all children; and
(16) Basic first aid.

Instruction provided to staff members or volunteers while performing their job may not be used to meet the requirements of this rule.

The number of training hours required of staff who are not full-time employees must be proportionate to the number of hours worked.

Before an initial license is issued, the director or a designated staff person shall complete class instruction in basic first aid. In addition, if not already certified, the director shall become certified in infant-child cardiopulmonary resuscitation (CPR). CPR shall be obtained through an entity that provides hands-on skills testing as part of the training. Each staff person shall maintain a valid certification in CPR at all times.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:19, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:10, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16(1)(6)(10).

67:42:10:06.01. Staff orientation. The program shall provide for orientation of all staff, and documentation of such, to occur within 90 days after the date of employment, in at least the following areas:

(1) Prevention and control of infectious diseases;
(2) Prevention of sudden infant death syndrome and use of safe sleep practices;
(3) Administration of medication;
(4) Prevention of and response to an emergency due to food and allergic reactions;
(5) Building and physical premises safety;
(6) Prevention of shaken baby syndrome and abusive head trauma;
(7) Emergency preparedness and response planning for an emergency resulting from a natural disaster or man-caused event;
(8) Handling and storage of hazardous materials and the appropriate disposal of bio contaminants;
(9) Precautions in transporting a child;
(10) Recognition and reporting of child abuse and neglect;
(11) First aid;
(12) Cardiopulmonary resuscitation (CPR). CPR certification is required prior to a staff member being left unsupervised to care for children; and
(13) Child development.

Orientation training may count toward the required annual training for each staff person during the person's first year of employment.

Source: 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016; 45 SDR 82, effective December 10, 2018.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16(1)(3)(6)(10).

Cross-References: Staff development and training, § 67:42:10:06; Staff person trained in first aid and CPR must be on site during hours of operation, § 67:42:10:25.

67:42:10:07. Staff-child ratio. A program must maintain the following ratio for staff and children present:

(1) For children up to three years of age, one staff person to every five children, or fraction thereof;
(2) For children three to six years of age, one staff person to every 10 children, or fraction thereof; and
(3) For children six years of age or older, one staff person to every 15 children, or fraction thereof.

The staff-child ratio of mixed-age groups must meet the requirements of the age grouping that comprises the majority of the children except when children under three years of age are present. When three or more children under the age of three years are present in the mixed-age group, the staff-child ratio for children under three years of age must be maintained.

There may be no more than 20 children in an activity grouping.

There must be a list of adults who would be available within 15 minutes of the facility in case of an emergency. This list must be posted next to the center's telephone and must include the adults' telephone numbers. Children of staff members who are also in care or are supervised at the facility must be included in determining group size and the staff-child ratio.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:20, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:11, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16.

Cross-Reference: Additional number of children in day care -- Staff-to-child ratios, SDCL 26-6-15.1.

67:42:10:08. Staff health requirements. Repealed.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:24, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:16, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989; 21 SDR 206, effective June 4, 1995; repealed, 39 SDR 220, effective June 27, 2013.

67:42:10:09. Staff records and hiring requirements. A program shall maintain a record on each staff member. The record must include the staff member's name, age, address, telephone number, education and work experience, in-service and orientation training, hours of work, and dates of employment and separation. The program shall make the personnel records available to the department for verification of the contents. The program shall retain personnel records for six months after the staff member's employment ends.

Before hiring an individual, the program shall contact at least three references which may include the individual's former employers. The contacts must relate to the individual's character and competence. The references may not be related to the prospective staff member and must be individuals who have known the prospective staff member prior to the time of application. References must be in the form of a documented conversation or written letter and must be on record before hiring the individual.

Before hiring an individual to work at the center, the center shall comply with the screening requirements of § 67:42:16:04.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:29, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:20, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 45 SDR 82, effective December 10, 2018.

General Authority: SDCL 26-6-16(1).

Law Implemented: SDCL 26-6-16(1), 26-6-23.2.

67:42:10:10. Program standards. Each program shall have written policies regarding the following:

(1) Admission and termination of service;

(2) Fee, payment, and refund policies;

(3) Health program policies for children, including the need for a current immunization record, the reporting of contagious diseases, and the storage and administration of medications;

(4) Responsibility to report and the procedures for reporting suspected child abuse or neglect within the program;

(5) Nutrition policies, including the time meals are served, a description of a balanced meal, the program's position concerning food brought from home, the storage of food brought from home, and the feeding of infants;

(6) Transportation policies, including use of seatbelts and whether transportation is provided;

(7) An emergency preparedness and response plan;

(8) Discipline policies, including the forms of discipline used and those prohibited;

(9) Reporting changes in circumstances such as a change of facility location, the felony conviction of a staff member, or involvement with the Division of Child Protection Services or law enforcement concerning investigations of child abuse or neglect;

(10) Program activities, including a daily schedule of activities and programs;

(11) Personnel policies and staff qualifications;

(12) Prevention of shaken baby syndrome and abusive head trauma;

(13) Prevention and response to an emergency due to food and allergic reactions; and

(14) Handling and storage of hazardous materials and the disposal of bio contaminants.

In addition, there must be a written program of activities planned according to the developmental level of each group of children. The program shall provide each child with experiences which encourage self-esteem and positive self-image, social interaction, self-expression and communication skills, creative expression, large and small muscle development, and intellectual growth. The program schedule must be planned to provide a flexible balance of active and quiet activities, individual and group activities, and indoor and outdoor activities.

Children must be given attention on a one-to-one basis by staff members.

Each program shall have safe, non-toxic play materials and equipment for creative activity, dramatic play, language arts, and large and small muscle development and coordination.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; written policies requirement transferred from § 67:42:10:03, 12 SDR 209, effective July 6, 1986; 14 SDR 98, effective January 18, 1988; 21 SDR 206, effective June 4, 1995: 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.
General Authority: SDCL 26-6-16(2)(6)(7)(9)(12).
Law Implemented: SDCL 26-6-16(2)(6)(7)(9)(12).

Cross-Reference: Application and plan-Health and safety requirements, 42 U.S.C. § 9858c(c)(2)(I).

67:42:10:11. Standards for discipline. Each program shall have a written policy on the discipline techniques to be used for a child in care. Discipline techniques used must offer clear-cut limits with positive guidance and direction to help a child to develop self-control and respect for the rights of others. Discipline techniques must be appropriate to the child's age and developmental level. Separation, when used as discipline, must be within sight or hearing range of a staff member responsible for caring for children. Discipline may not be delegated to older children or peers. Use of humiliating or frightening punishment such as the following are prohibited:

(1) Spanking, hitting, pinching, biting, shaking, or inflicting any other unusual physical punishment;
(2) Verbal abuse, threats, or derogatory remarks about self or family;
(3) Restriction of movement or confinement. A child may not be isolated in a locked room or closet;
(4) Punishment for lapses in toilet training;
(5) Withholding or forcing of meals, snacks, or naps to correct behavior; and
(6) Use of substances such as soap, pepper, or hot pepper sauce for punishment of undesirable behaviors.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16.

67:42:10:12. Parental involvement. Parents must be allowed to observe their own child or children in the facility at any time and immediately upon request.

Source: 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:13, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 39 SDR 220, effective June 27, 2013.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16.

67:42:10:13. Nutrition requirements. If a child is at the program during the program's regular meal time, the program shall offer the child a meal which consists of a variety of foods and supplies at least one-third of the child's daily nutritional needs. Nutritious midmorning, midafternoon, and evening snacks must be served between meals. Breakfast may be substituted for the midmorning snack. A program preparing food must meet the food service requirements contained in chapter 67:42:11. A program may serve food prepared in another facility if that facility complies with the food service requirements of chapter 67:42:11 and a copy of that facility's current food service license issued by the Department of Health is kept on file.

The program must post a weekly menu which indicates the meals to be served that week. The program must record on the weekly menu the food actually served. Each weekly menu must be retained for inspection for six months after the week for which it was prepared.

Infants must be fed according to their individual schedule and must be held while bottle feeding.

Meals, snacks, and formulas which are prepared by the child's parents and served by the program must be stored according to § 67:42:11:16 until consumed and disposed of.

Source: SL 1975, ch 16, § 1; 1 SDR 30, effective October 13, 1974; transferred from § 67:14:19:22, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:14, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16(6)(9)(12).

67:42:10:14. Health standards and immunizations for day care children. Before a child may be admitted to a program, the program shall require a child's parent or guardian to submit a written statement signed by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse or an immunization record from the South Dakota Immunization Information System showing that the child meets the minimum immunization requirements as recommended by the Department of Health.

The day care center shall ensure that immunization levels of all children are current. For children who begin the series late or are more than one month behind in immunizations, the immunization levels of these children must show current progress toward achieving adequate immunization levels as recommended by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse. The Department of Health may verify immunization levels during an annual audit. If a child suffers an illness during the day, the child must be separated from other children and the child's parents must be notified. The program shall notify the Department of Health if any child in the day care center contracts a communicable disease. The program shall follow the Department of Health's recommendations for addressing a situation involving a communicable disease. The program shall have on file the name, address, and telephone number of each child's source of regular health supervision as well as other emergency medical information.

A child is exempt from meeting the minimum age-specific immunization levels if the child's parent or guardian has certification from a licensed physician stating that the physical condition of the child is such that a test or immunization would endanger the child's life or health or if the child's parent or guardian has signed a written statement that the child is an adherent to a religious doctrine whose teachings are opposed to such tests and immunizations.

Written permission from parents or guardians allowing for the child's emergency medical care must be obtained and maintained by the director.

Source: SL 1975, ch 16, § 1; 1 SDR 30, effective October 13, 1974; transferred from § 67:14:19:23, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:15, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 15 SDR 162, effective May 4, 1989: 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16.

Cross-References: Tests and immunization for communicable diseases required for admission to school or early childhood program -- Exceptions -- Rules, SDCL 13-28-7.1; Definition of "communicable disease," § 44:20:01:01.

67:42:10:15. Medications. Medications may only be administered with the written consent of the parent or guardian and only if the consent lists the name of the medication and the date or dates the medication is to be administered. Any medication administered to a child must be documented to include the dose, name of child, time and date administered, and signature of the person administering the medication. This written documentation shall be available to the child's parent or guardian and must be kept for six months following the administration of the medication. Medications must be kept in their original container with the original label. The label for prescription medications must contain legible directions for use, the expiration date, the child's name, and the physician's name. Medications must be stored in a place which is inaccessible to children. Medication requiring refrigeration must be placed in another nonabsorbent container and labeled "medications."

Source: SL 1975, ch 16, § 1; 1 SDR 30, effective October 13, 1974; transferred from § 67:14:19:23, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:15, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:16. Building plans. Before building a new facility or renovating or altering an existing facility, the program shall submit copies of its proposed building, renovation, or alteration plans to the department for approval. The plan must indicate the interior dimensions of each room and the intended use of the room, the location of the fixtures in each bathroom, and the location of the appliances and fixtures for the kitchen. Indoor and outdoor play space must be identified.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:31, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:22, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:17. Compliance with environmental health standards required -- Environmental health survey. A program must satisfactorily comply with environmental health standards in chapter 67:42:11 to be licensed. An environmental health survey must be conducted by the Department of Health before the initial licensing of the program and each year thereafter for licensure renewal.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:32, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:23, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:18. Fire and life safety. A licensed day care center shall comply with the construction and fire safety requirements in chapter 61:15:05. A licensed group family day care home shall comply with the fire safety requirements in chapter 61:15:06. The Department of Public Safety, the city fire inspection authority, or the city health inspection authority shall inspect the center before an initial license is issued and each year thereafter. Before an initial license is issued, the center shall provide to the department a copy of the inspection results. The inspection results must indicate compliance with the fire and life safety requirements. Each year thereafter, the center shall provide to the department a copy of the inspection results indicating continued compliance with the fire and life safety requirements.

Fire drills are required at least four times a year. The program shall conduct one tornado drill at the beginning of each summer. The program shall document completion of fire and tornado drills.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:33, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:24, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 20 SDR 223, effective July 7, 1994; 24 SDR 76, effective December 11, 1997; 31 SDR 40, effective September 29, 2004; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 26-6-16(2).

Law Implemented: SDCL 26-6-16(2).

67:42:10:19. Physical standards for facility. The program's facility must contain not less than 35 square feet of play space indoors and 50 square feet of play space outdoors for each child present. Floor space used for permanent and stationery equipment and furniture, storage, halls, bathrooms, offices, and kitchens may not be included in the determination of usable play space for children. No more than half of the space occupied by cribs may be used in determining total square feet of play space.

Source: SL 1975, ch 16, § 1; transferred from § 67:14:19:34, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:04:25, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:20. Night-time care. Night-time care programs within the context of this chapter mean any program in operation between 7:00 p.m. and 6:00 a.m. When the same premises are used for the provision of both day and night care, the number of children during overlapping shift periods may not exceed the maximum licensed capacity of the program. No child may attend the program for more than 18 hours in any 24-hour period. The required staff-child ratio, as outlined in § 67:42:10:07, must be maintained during all hours of operation. Staff on duty must be awake and alert to the needs of children. Staff supervising sleeping children must be on the same floor as the sleeping children.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 209, effective July 6, 1986; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:21. Volunteers. Repealed.

Source: 12 SDR 209, effective July 6, 1986; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; repealed, 39 SDR 220, effective June 27, 2013.

67:42:10:22. Staff responsibility for reporting suspected incidents of child abuse or neglect. The program shall require each staff member to read and sign a statement which defines child abuse and neglect and outlines the staff member's responsibility to report all incidents of child abuse or neglect according to state law. Each staff member shall, in addition to complying with SDCL 26-8A-3 and 26-8A-8, report any incident of child abuse or neglect to the department, police, sheriff, or state's attorney and cooperate fully in the investigation of any incident.

Source: 12 SDR 209, effective July 6, 1986; 39 SDR 220, effective June 27, 2013; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16(6).

67:42:10:23. Center procedures for handling suspected in-house child abuse. The center shall have written procedures for handling suspected in-house child abuse. The procedures shall include at least the following:

(1) A procedure for ensuring that the alleged incident could not recur while awaiting the official investigation by the department or law enforcement; and

(2) A procedure for evaluating the continued employability of any staff member determined to be involved in an incident of child abuse.

Source: 12 SDR 209, effective July 6, 1986.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:10:24. Storage for personal items. In order to prevent cross-contamination and the spread of infectious diseases and lice, a program shall provide an individual storage unit or container for each child's personal articles including combs, brushes, towels, and clothing.

Source: 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.
General Authority: SDCL 26-6-16.
Law Implemented: SDCL 26-6-16.

67:42:10:25. Staff person trained in first aid and CPR must be on site during hours of operation. During the hours the facility is in operation, there must be a least one staff person on site who is trained in both first aid and infant-child cardio-pulmonary resuscitation (CPR).

Source: 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.