

CHAPTER 67:42:14

BEFORE AND AFTER SCHOOL CARE

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67:42:14:01. Definitions. Terms used in this chapter mean:

(1) "Activity grouping," a group of children assigned to a staff member or a team of staff members and occupying an individual classroom or a well-defined space within a larger room;

(2) "Before and after school care," care and supervision that serves as a substitute for parental care before and after school hours of children who are five years of age or older and enrolled in school;

(3) "Parent," a child's natural parent, adoptive parent, stepparent, or legal guardian;

(4) "Staff," individuals employed by the before and after school care center and volunteers providing services at the center regardless of whether or not they have direct contact with the child in care; and

(5) "Verifiable experience," experiences, paid or unpaid, which are documented through items such as written letters, school transcripts, or employment records from a previous school advisor, employer, or supervisor.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:02. Application for licensure. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:03. Center director or proprietor. The center director or proprietor must be at least 18 years old and certified in cardio-pulmonary resuscitation (CPR) through an entity that provides hands-on skills testing as part of the training.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:04. Center operator -- Qualifications. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:05. Supervisor -- Responsibilities. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:06. Qualifications for individual responsible for program planning and staff supervision. The individual responsible for program planning and staff supervision must be at least 18 years old and meet one of the following requirements:

- (1) Have a bachelor's degree in the field of education or human development;

(2) Have a valid Child Development Associate (CDA) credential, or a similar credential with emphasis in the care of school age children, and one year of verifiable experience caring for and supervising four or more school-aged children;

(3) Have two years of college coursework in the field of education with emphasis in the areas of preparing and implementing lesson plans, human growth and development, behavior management, interpersonal communication, art education, music education, physical education, and recreation and one year of verifiable experience caring for and supervising four or more school-aged children; or

(4) Have four years of verifiable experience in the care and supervision of four or more school-aged children in a child care setting, which children were not related to the individual providing care.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:07. Site coordinator. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:08. Staff qualifications. Staff work under the direction and supervision of the director or program planner and provide direct guidance to and supervision of the children in care. If the site serves children who are 12 years of age and older, staff must be at least 16 years old. If services are limited to children under age 12, staff must be at least 14 years old. A staff member may be included in the staff-child ratio if the staff member is at least 16 years old. Staff who are under the age of 18 may not be left alone with children in care and must receive direct and constant supervision from the director or program planner.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:09. Volunteers. If a volunteer is used to meet a staff position, the volunteer must meet the applicable staffing requirements.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:10. Employee hiring practices. Before hiring an individual, the director or proprietor shall contact at least three references that 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 an individual works or provides volunteer services at the center, the center shall comply with the screening requirements of §§ 67:42:16:04 and 67:42:16:05.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-14.3](#), [26-6-14.4](#), [26-6-16](#), [26-6-23.2](#).

67:42:14:11. General requirements for all staff. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:12. Staff orientation. The center 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.

Documentation of the completed orientation training must be kept in the staff member's personnel file. Orientation training may count toward the required annual training for each staff person during their first year of employment.

Source: 27 SDR 63, effective December 31, 2000; 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\(1\)\(3\)](#).

Cross Reference: Staff training, § 67:42:14:13.

67:42:14:13. Staff training. The center shall have a written plan for training each staff member and volunteer who works directly with children and is included in the staff-child ratio. The staff member or volunteer shall complete ten hours of training annually from 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 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 members or volunteers while performing their jobs may not be used to meet the requirements of this rule.

Before an initial license is issued, the director or a designated staff person shall complete class instruction in basic first aid. During the hours the facility is in operation, there must be at least one staff person on site who is trained in first aid and is certified in cardiopulmonary resuscitation (CPR). CPR training shall include hands-on skill testing as part of the training. Each staff person shall maintain a valid certification in CPR.

Source: 27 SDR 63, effective December 31, 2000; 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).

67:42:14:14. Staff responsibility for reporting suspected incidents of child abuse or neglect. Each staff member is required to read and sign a statement that defines child abuse and neglect and outlines the staff member's responsibility to report all incidents of child abuse or neglect. Each staff member shall, in addition to complying with SDCL [26-8A-3](#) and [26-8A-8](#), report any suspected incident of child abuse or neglect to the director or a designee who shall immediately report the suspected incident of in-house child abuse or neglect to the department, police, sheriff, or state's attorney and cooperate fully in the investigation.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#), [26-8A-3](#).

67:42:14:15. Center activities. The center's activities must provide a wide variety of activities and experiences for children. The planned daily and monthly activities and experiences must be in writing and posted throughout the facility. The activities must meet the following requirements:

- (1) Be age-appropriate for and of interest to the children served;
- (2) Foster a positive self-concept and sense of independence;
- (3) Encourage children to think, reason, question, and experiment;

- (4) Enhance physical development, academic achievement, cultural enrichment, cooperation, and promotion of a healthy view of competition;
- (5) Encourage sound health and safety and wise use of leisure time;
- (6) Encourage awareness of and involvement in the community at large;
- (7) Be arranged to accommodate group and individual activities;
- (8) Have available a supply of games, books, toys, crafts, and other materials and equipment necessary to carry out the center's activities;
- (9) Include ideas and plans for activities suggested by the children in care and their parents; and
- (10) Allow for flexibility while providing a balance of active, quiet, inside, and outside activities. If access to outdoor space is limited, this need may be offset by a greater amount of indoor space, such as a gym, permitting an equivalent activity.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:16. Center policies. Each before and after school care center must have written policies and procedures concerning the following:

- (1) Services offered, fees charged, and payment policies;
- (2) Discipline used for children in care;
- (3) Requirements for enrollment;
- (4) Termination of services;
- (5) Handling and documenting injuries and illnesses;
- (6) Dispensing medications;
- (7) Nutritional guidelines and requirements for snacks and meals;
- (8) Reporting suspected child abuse or neglect, including procedures for ensuring that the alleged incident will not reoccur while waiting for the official investigation and procedures for evaluating the continued employment of any staff member determined to be involved in an incident of child abuse;
- (9) Notification to a parent when there is a significant change in the center's services or policies;

- (10) Sharing with the parent information concerning the child's health, development, or behavior;
- (11) Steps to be followed if a child fails to arrive at the center;
- (12) Opportunities for parental involvement in program development and center operation;
- (13) Confidentiality of records and information relating to children in care and their families;
- (14) Prevention and response to an emergency due to a food or allergic reaction;
- (15) An emergency preparedness and response plan;
- (16) Handling and storage of hazardous materials and the disposal of bio contaminants;
- (17) Proof that immunization levels of all children are current;
- (18) Separation from other children and notification of the child's parents if a child suffers an illness during the day; and
- (19) Notification of the Department of Health if a child in the program contracts a communicable disease. The program shall follow the Department of Health's recommendations for addressing a situation involving a communicable disease.

A copy of the center's policies must be provided to each employee and enrolled family and a copy must be available to the department on request.

Source: 27 SDR 63, effective December 31, 2000; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#)(2)(6), 26-6-20.

67:42:14:17. Staff-child ratio. The center must maintain a staff-child ratio of at least one staff person for every 15 children. The staff person may be included in the ratio if the staff member is at least 16 years of age and provides direct guidance and supervision of the children. The staff-child ratio must be maintained while children are on the playground.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:18. Limit on number of children allowed in activity grouping. Repealed.

Source: 27 SDR 63, effective December 31, 2000; repealed, 39 SDR 220, effective June 27, 2013.

67:42:14:19. Transportation of children in care. If the center provides transportation for field trips or other outings, the staff-child ratio established in § 67:42:14:17 must be maintained. In meeting the staff-child ratio, at least one staff member in addition to the driver must be at least 18 years of age.

A vehicle used to transport children may not carry more people than the vehicle's stated passenger capacity.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:20. Discipline. Discipline techniques used must offer clear-cut limits with positive guidance and direction to help the child achieve self-control and a respect for the rights of others. Discipline may not be delegated to older children or peers. A child may not be placed in an environment that would be harmful or dangerous to the child's physical or emotional health. Use of humiliating or frightening punishment such as the following are prohibited:

- (1) Hitting, pinching, shaking, spanking, or inflicting any other corporal punishment;
- (2) Verbal abuse, threats, or derogatory remarks about self or family;
- (3) Restriction of movement by binding or enclosure in a confined space such as a closet, a locked or unlighted room, or a box or similar cube;
- (4) Withholding or forcing of meals or snacks; and
- (5) Use of substances such as soap, pepper, or hot pepper sauce for punishment of undesirable behaviors.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:21. Nutritional requirements. If a child is in care for four consecutive hours, the child must receive a snack or meal, whichever is appropriate for that time of day. If a child is in care during any normal mealtime hour, the child must receive a meal appropriate for that time of day.

Meals and snacks served at the center must consist of a variety of nutritional foods and must be of sufficient quantity to meet each child's needs.

If the center provides meals, the center must prepare and post menus on a weekly basis.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:22. Food preparation. If a center serves snacks only, there must be an area within the center designated as a snack preparation and serving area. This area must have a sink, dry storage, and refrigeration necessary to meet the needs of the center. The designated area cannot be located in a restroom, utility room, or mechanical room.

If a center provides meals to children, the food must be prepared and served according to the applicable requirements of chapter 67:42:11.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:23. Required records. The center shall maintain the following records:

(1) A record for each staff member and volunteer that includes the individual's name, age, address, telephone number, education, work experience, in-service and orientation training, annual training, dates of employment and separation, central registry screening results, results of the reference checks, and the signed child abuse and neglect form required in § 67:42:14:14. The center shall make the personnel records available to the department for verification of the contents; and

(2) An enrollment record for each child that includes the child's name, date of birth, allergies, special needs that the child has, dates of beginning and ending enrollment, names and telephone numbers of the child's parents, name and telephone number of an individual to contact in the event of an emergency, the release signed by the child's parent that allows emergency medical treatment, the name of the school where the child is enrolled, and the medication authorization required under § 67:42:14:24, if applicable. The center shall make the enrollment records available to the department on request and must maintain closed records for a minimum of six months.

If the child's record is maintained at a location other than at the center the child attends, the center the child attends must have the original signed release authorizing emergency medical treatment, the names and phone numbers of the child's parent and doctor, allergies, the name and phone number of a person to contact in case of an emergency, and the authorization to administer medication, if applicable.

Source: 27 SDR 63, effective December 31, 2000; 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](#)(3), 26-6-20.

Cross-References: Background check, § 67:42:16:04; Prohibition of licensure, registration, or operation by person convicted of child abuse or other felony, or whose name appears on registry -- Failure to report as misdemeanor, SDCL [26-6-14.10](#).

67:42:14:24. 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. A copy of the consent form must be maintained in the child's record. 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 the original container with the original label intact. 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 that is inaccessible to children. Medication requiring refrigeration must be placed in another nonabsorbent container and labeled "medications."

Source: 27 SDR 63, effective December 31, 2000; 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](#).

67:42:14:25. Parental involvement. The center must allow a parent to observe the parent's child or children at any time and immediately on request. The center shall deny access to a parent if the parent is restricted through court order from having contact with the child and the center has been provided with a copy of the court order.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:26. Building plans. Before licensing a center to operate in an existing structure or before building a new structure or renovating or altering an existing structure, the center must submit copies of its building plans to the department for approval. The plans must contain the following information:

- (1) Interior dimensions of and the intended use of each room;
- (2) Amount and location of bathroom fixtures;
- (3) Location of appliances and all other fixtures in the food preparation or kitchen area;
- (4) Location of interior and exterior doorways and windows;
- (5) Types of floor coverings for each room;
- (6) Style of alarm system;
- (7) Location of fire extinguishers, fire and smoke detectors and audible alarms, and the operation panel for the alarm system;

- (8) Location of the electrical panel and electrical outlets;
- (9) Location of the heating and cooling system; and
- (10) Location of the water heater.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:27. Environmental health standards. A before and after school care center must comply with the environmental health standards contained in chapter 67:42:11, unless otherwise specified.

Source: 27 SDR 63, effective December 31, 2000.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).

67:42:14:28. Minimum fire and life safety requirements. A program located in a school building shall meet the applicable construction and fire safety requirements of chapters 61:15:01, 61:15:02, and 61:15:07, regardless of the number of children served. A program not located in a school building and serving less than 21 children shall meet the fire and life safety requirements of chapter 61:15:06. A program not located in a school building and serving 21 or more children shall meet the fire and life safety requirements of chapter 61:15:05.

The program shall post the emergency evacuation plans and shall conduct fire drills four times per year and shall conduct one tornado drill. The program shall document the drills.

Combustible materials must be kept away from furnaces, lighting fixtures, and other heat sources. Exit doorways and pathways may not be blocked. Steps and walkways must be kept free from the accumulation of water, ice, snow, or other debris.

Source: 27 SDR 63, effective December 31, 2000; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL [26-6-16](#).

Law Implemented: SDCL [26-6-16](#).