

Child Care Regulations in South Dakota

Overview

A summary of child care regulations in South Dakota

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Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In South Dakota, the Department of Social Services, Office of Child Care Services, licenses part-day and full-day child care centers, before- and after- school care centers and group family child care homes, and registers family child care homes that receive public funds. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in South Dakota. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The South Dakota Department of Social Services, Office of Child Care Services, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In South Dakota, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for 21 or more children. In South Dakota, this includes nursery schools, preschools, and prekindergartens located in licensed centers, and religiously affiliated centers.
- *Before- and after- school care centers.* Care before and after school hours for children 5 years and older and enrolled in school.

- *Group family child care homes.* Full- or part-time care for between 13 and 20 children.

Types of care that must be registered

Registration is a form of regulation for providers not required to be licensed. Registered providers are required to meet the minimum health and safety standards.

In South Dakota, the following form of child care must be registered:

- *Family child care homes.* Receiving public funding and providing full- or part-time care in a residence for one to 12 children, including the provider's own children under 6 years old.

More detailed information on child care centers, group family child care homes, and family child care homes may be found later in this guide.

Types of care that may operate without a license or registration

Some types of child care are not required to be licensed or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In South Dakota, the following forms of child care are exempt from licensing:

- Care provided in the child's home or by relatives
- Family child care providers who care for 12 or fewer children and receive no public funds
- Nursery schools and other part-day programs

Age-group definitions

- *Infant:* child between birth and 2 years
- *Toddler:* child between 2 and 3 years
- *Preschooler:* child between 3 and 6 years
- *School-age:* child 6 years and older

Subsidized child care

The South Dakota Department of Social Services, Office of Child Care Services, makes funds available to families to assist them with child care payments. The amount of the payments depends on family size and income. Recipients of these funds must be working or going to school to qualify. Families who are eligible may receive assistance whether their child is in a child care center, group family

child care home, or family child care home as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, contact the South Dakota Department of Social Services at 605-773-4766.

Whom to contact

For more detailed information regarding child care regulations in South Dakota, to obtain a copy of the state standards, or to report licensing violations, contact:

South Dakota Department of Social Services

Office of Child Care Services
700 Governors Drive
Pierre, SD 57501-2291
605-773-4766 or 800-227-3020
www.dss.sd.gov

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, contact the South Dakota Department of Social Services at 605-773-3227, or call your local law enforcement agency.

Child care centers

Licenses

- Must be licensed.
- License is nonexpiring.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Department of Commerce health and fire inspection is required prior to licensing and annually thereafter.
- Department of Social Services program inspection is required prior to licensing and annually thereafter.
- Unannounced inspections are made after a complaint.

Staff:child ratios

- 4 weeks to 3 years: one staff for up to five children (1:5).

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- 3 to 6 years: one staff for up to 10 children (1:10).
- 6 to 14 years: one staff for up to 15 children (1:15).

No children under 4 weeks old may be in care.

In mixed-age groups, one staff for up to five children (1:5) if more than three children under 3 years old. Otherwise, use ratio for majority of children.

Naptime ratios remain the same.

Maximum group size

- No more than 20 children may be in any group.

Staff qualifications

Director/teacher

- Must attend orientation
- Must be at least 18 years old to supervise
- Must have one of the following:
 - Bachelor's degree in early childhood education
 - Bachelor's degree in education or human development and two years of experience working with children
 - Associate's degree in early childhood development
 - Child Development Associate (CDA) credential
 - Five years of experience working in a center
 - Child development technician diploma
 - Certification and experience as a Montessori teacher

Child care worker

- Must be at least 18 years old and must work under the supervision of a teacher or center director

Assistant/secondary worker

- May be 14 years old if under direct supervision

Substitute/volunteer

- Must meet requirements for regular staff

Staff training

- All staff included in the staff:child ratio must have 20 hours each year distributed over 16 required topic areas.

CPR and first aid

- Training in first aid, CPR, health, and safety is required for all staff.

Staff medical requirements

- Must have TB test initially.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required.
- Child support records are checked.
- Three references are required.

Discipline

- Must have written discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must have unlimited, immediate access to child and facility.
- Parental involvement must be encouraged.

Health and safety requirements

- Must comply with all local ordinances.
- Must have a written emergency evacuation plan.
- Must hold four fire drills each year.
- Must hold one tornado drill each summer.
- Must surround outdoor play area with a fence.
- Must have handrails on stairs.
- Must cover electrical outlets.
- Must store hazardous or toxic materials in an area inaccessible to children.
- No smoking is allowed except in ventilated, designated areas.

Child medical requirements

- Must have all age-appropriate immunizations, not including hepatitis B.

- Screening for blood lead levels is not required.
- Must have written consent from parents to administer medications.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents are to be notified immediately.

Before- and after-school child care centers

Licenses

- Must be licensed.
- License is nonexpiring.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Department of Commerce health and fire inspection is required prior to licensing and annually thereafter.
- Department of Social Services program inspection is required prior to licensing and annually thereafter.
- Unannounced inspections are made after a complaint.

Staff:child ratios

- 5+ years: one staff for up to 15 children (1:15)

Maximum group size

- Center capacity

Staff qualifications

Director/center operator

- Must be at least 18 years old
- Must demonstrate the following:
 - Maturity of judgment
 - Appropriate and effective communication skills
 - Skill to appropriately supervise and direct children in an unstructured setting
- Must have one of the following:
 - Bachelor's degree in education or human development

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- CDA credential or one year of verifiable experience caring for and supervising four or more school-age children
- Two years of college course work in 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-age children
- Four years of verifiable experience in the care and supervision of four or more school-age children in a child care setting, in which children are not related to the provider

Site coordinator

- Must be at least 18 years old
- Must have a high school diploma or a general equivalency diploma (GED)

Site assistants

- May be 16 years old if under direct supervision and there are children over age 12
- May be 14 years old if under direct supervision and there are no children over age 12

Volunteer

- Must meet the applicable staffing requirements if used to fill a staff position

Staff training

- Orientation and in-service training are required within the first two weeks.
- Ten hours of training annually.
- Must complete training requirements of specific areas of activity planning, child development, communication, health, and safety within the first two years of employment.

CPR and first aid

- Training in first aid, CPR, health, and safety is required for site coordinators.

Staff medical requirements

- Must have TB test initially.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required.
- Three references are required.

Discipline

- Must have a written discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must have unlimited, immediate access to child and facility.
- Parental involvement must be encouraged.

Health and safety requirements

- Must comply with all local ordinances.
- Must have a written emergency evacuation plan.
- Must surround outdoor play area with a fence.
- Must have handrails on stairs.
- Must cover electrical outlets.
- Must store hazardous or toxic materials in an area inaccessible to children.
- No smoking is allowed, except in ventilated, designated areas.
- Staff:child ratio must be maintained when transporting children.
- Drivers of center vehicles must be at least 18 years old.
- Vehicles used to transport children may not carry more than the stated passenger capacity.

Child medical requirements

- Must have all age-appropriate immunizations, not including hepatitis B.
- Screening for blood lead levels is not required.
- Must have written consent from parents to administer medications.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents are to be notified immediately.

Group family child care homes

Licenses

- Must be licensed.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Department of Commerce health and fire inspection is required prior to licensing and annually thereafter.
- Department of Social Services program inspection is required prior to licensing and annually thereafter.
- Unannounced inspections are made after a complaint.

Staff:child ratios

- Birth to 3 years: one staff for up to five children (1:5)
- 3 to 6 years: one staff for up to 10 children (1:10)
- 6 to 14 years: one staff for up to 15 children (1:15)

In mixed-age groups, one staff for up to five children (1:5) if more than three children are under 3 years old. Otherwise, use ratio for majority of children.

Maximum group size

- May care for up to 20 children, including the provider's own.
- Three additional school-age children may be cared for before or after school hours, or in a family emergency or special circumstance.

Staff qualifications

Provider

- 18 years old and have a CDA credential.
- Must attend orientation.
- Not required to reside in the home.

Assistant

- Must be 18 years old to supervise.
- May be 14 years old if supervised.

Staff training

- Must have 10 hours annually.
- Training distributed over at least three of 11 different topic areas required annually.

CPR and first aid

- CPR and first-aid training must occur within the first year of employment.
- CPR certification must remain valid.

Staff medical requirements

- Staff must have physical exam, including TB test.
- Household members must have TB test.
- Household members under 18 years old must have age-appropriate immunizations.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks on providers and adult household members are required initially.
- Child support records are checked.
- Three references are required.

Discipline

- Must have written discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must have unlimited, immediate access to child and facility.

Health and safety requirements

- Must comply with all local ordinances.
- Must have a written emergency evacuation plan.
- Must hold four fire drills annually.
- Must hold one tornado drill each summer.
- Must surround outdoor play area with a fence.

- Must have handrails on stairs.
- Must cover electrical outlets.
- Must store hazardous or toxic materials in an area inaccessible to children.
- No smoking is allowed, except in ventilated, designated areas.

Child medical requirements

- Must have all age-appropriate immunizations, not including hepatitis B.
- Screening for blood lead levels not required.
- Must have written consent from parents to administer medications.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents are to be notified immediately.

Family child care homes (publicly funded)

Registration

- Must be registered if publicly funded; may be registered if not receiving public funds.
- Registration is renewed every two years.
- Liability insurance is not required.

State inspection

- Inspection is required prior to registration and at least once every two years.
- Most inspections are unannounced.

Staff:child ratio

- Birth to 2 years: one staff for up to four children (1:4)

Maximum group size

- May care for up to 12 children (including provider's own under 6 years old).
- May care for up to four children under 2 years old, and no more than two of these four may be under 12 months old unless an assistant is present.
- May care for up to two children under 1 year old.
- Two additional school-age children may be cared for before or after school hours or in a family emergency or special circumstance.

Staff qualifications

Provider

- Must be at least 18 years old
- Must reside in home
- Must be at least 18 years old to supervise

Assistant

- May be 14 years old if supervised

Substitute

- May only be used up to eight hours each week and must be at least 18 years old

Staff training

- Must participate in a minimum of six hours of training every year; the training must be from at least three of the 16 topic areas.
- CPR and first-aid training must occur within the first year.
- CPR certification must remain valid.

Staff medical requirements

- Staff must have physical exam, including TB test.
- Household members must have TB test.
- Household members under 18 years old must have age-appropriate immunizations.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background check is required initially.
- Three references are required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must have immediate access to child and facility.

Health and safety requirements

- Must hold four fire drills each year.

- Must hold one tornado drill each summer.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must have a smoke detector on each level.
- Must supervise children near water.
- No smoking is allowed.

Child medical requirements

- Must have all age-appropriate immunizations, not including hepatitis B.
- Must have written consent from parents to administer medications.

Care for sick children

- Children who become ill are to be isolated and supervised, and parents are to be notified immediately.