

NOTICE OF PUBLIC HEARING
DEPARTMENT OF SOCIAL SERVICES

A public hearing will be held in the Department of Social Services Building, Prairie Conference Room, 811 East 10th Street, Sioux Falls, SD 57103, on Friday, May 12, 2023, at 11:00 a.m. Central Time, 10:00 a.m. Mountain Time, to consider the adoption and amendment of proposed Department of Social Services' Economic Assistance - Child Care Services Administrative Rules of South Dakota numbered

§§ 67:42:01:01, 67:42:01:06.01, 67:42:03:01 to 67:42:03:23, inclusive, 67:42:07:04.01, 67:42:10:00 to 67:42:10:25, inclusive, 67:42:11:01 to 67:42:11:02.01, inclusive, 67:42:11:05 to 67:42:11:10, inclusive, 67:42:11:12, 67:42:11:14 to 67:42:11:16, inclusive, 67:42:11:18, 67:42:11:20, 67:42:11:23, 67:42:11:29, 67:42:11:33, 67:42:11:34, 67:42:11:36 to 67:42:11:40, inclusive, 67:42:14:01 to 67:42:14:28, inclusive, 67:42:16:01 to 67:42:16:19, inclusive, 67:42:17:01 to 67:42:17:43, inclusive.

The effect of the rule changes will be to repeal four chapters and add one new chapter. The new chapter covers the licensing requirements for family day care homes, licensed day care programs, and before and after school care. The environmental standards chapter was updated to streamline and clarify rules related to group care centers, residential treatment centers, and intensive residential treatment centers. The 15:1 ratio now applies for five-year-old children for a licensed program. The number of infants a family day care provider can care for is increased by one. Flexibility for providers was added by changing the group size to align with the capacity of a room and for licensed programs serving twenty or less to have a ratio of 10:1 in a mixed age group with no more than four children under age two. The provider requirements included added flexibility to meet program administrator qualifications and additional flexibility by expanding the duties of a 14-year-old staff member when working at a before or after school program. There is reduced administrative burden by removing the requirement for a family day care provider to have a physical examination, removing the limitation on the number of hours a substitute provider can be used, removing the requirement to have a staff training plan, removing the requirement for annual training for bus drivers or other staff who do not care for children, and reducing the ongoing training requirements for family day care providers. Form and style edits were incorporated throughout.

The reason for adopting the proposed rules will be to remove barriers to licensure for child care providers, ensure federal health and safety standards are being met, reduce the administrative burdens to providers, streamline language, and provide better clarity overall.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may:

- 1) Appear in-person at the hearing;
- 2) May attend telephonically by calling 1-605-679-7263 and using conference code 293 001 934#;
- 3) Mail them to Teresa Schulte, Administrative Rules, Department of Social Services, 811 East 10th Street, Sioux Falls, SD 57103; or
- 4) Email them to DSSAdminRules@state.sd.us.

The deadline to submit any such written comments for consideration by the Department of Social Services is May 22, 2023, ten days after the date of the public hearing.

After the written comment period, the Department of Social Services will consider all written and oral comments it receives on the proposed rules. The Department of Social Services may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact Department of Social Services at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling (605)-367-5444 ext. 1000309.

Copies of the proposed rules may be obtained without charge from:

Teresa Schulte and/or <http://rules.sd.gov>
Administrative Rules and/or emailing a request to: DSSAdminRules@state.sd.us
Department of Social Services
811 East 10th Street
Sioux Falls, SD 57103

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