

Date Issued	August 05, 2026	Status	In Process
Provider Name	Backyard Bulldogs at Milbank School		
Provider ID	663451246		
Provider Address	1001 E Park Ave, Milbank, SD 57252, USA		
Provider Contact	Kelsey Buttke		

The items listed below are those that the provider was not in compliance with at the time of the inspection.

Compliance Plan Action #1

Administrative Rule:

67:42:17:37

Center and school-age programs operating outside of a school building shall follow applicable construction and fire safety requirements, as outlined in chapters 61:15:05 and 61:15:06. School-age programs operating in a school building shall follow applicable construction and fire safety requirements, as outlined in chapters 61:15:01, 61:15:02, and 61:15:07.

A family day care home must have the following fire safety measures in place:

- (1) A working smoke detector must be located on each level of the home;
- (2) A fully charged, portable fire extinguisher, with a minimum 2A rating, as identified on the extinguisher label, must be kept in or within fifteen feet of the kitchen or food preparation area;
- (3) A carbon monoxide detector must be installed, according to the manufacturer's instructions, if a fuel burning appliance is present in the home;
- (4) Each level of the home must have at least two remote exits that shall remain clear of obstructions. One of these exits must be a standard-sized door, and the other may be either a standard-sized door or an unobstructed, operable window, having at least five square feet of openable space, with a minimum width of twenty inches and a minimum height of twenty-four inches; and
- (5) Whenever a portable space heater, a wood burning stove, or a fireplace is in use, the heater, stove, or fireplace must be inaccessible to children.

Summary of Non-Compliance Finding:

At time of inspection, doors exiting the classrooms did not have an exit sign above each exit.

Corrections to be Made:

An exit sign is needed above each door exiting the classroom.

Corrections Made:

During a site visit, the exit signs were observed above the doors in the two classrooms used for child care.

Anticipated Completion Date:

Date Completed:

Compliance Plan Action #2**Administrative Rule:**

67:42:17:24

Before a child may be admitted to a registered or licensed day care provider, the provider must require the child's parent or guardian to submit a 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 according to 45 C.F.R. § 98.41(a)(1)(i)(A), in effect on September 30, 2016.

The provider shall ensure that immunizations of all children are current.

For children who begin the series late or are more than one month behind in immunizations, the documentation must show progress toward achieving immunization requirements, as determined by a licensed physician, or other licensed practitioner. A grace period may be approved by the department for a child experiencing homelessness or a child in foster care.

A child is exempt from meeting the minimum age-specific immunization levels if:

- (1) The child's parent or guardian has certification from a licensed physician, or other licensed practitioner, stating that the physical condition of the child is such that an immunization would endanger the child's life or health; or
- (2) 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 immunizations.

If a child becomes ill while at a day care, the provider must separate the child from other children and notify the child's parents. If any child in the program contracts a communicable disease, the provider must notify the Department of Health. The program provider shall follow the Department of Health's recommendations for addressing a situation involving a communicable disease.

To prevent the spread of an infestation or infectious disease, a program shall provide an individual storage unit or container for each child's personal articles.

Summary of Non-Compliance Finding:

At time of inspection, program did not have individual storage units for each child's personal articles.

Corrections to be Made:

To prevent the spread of an infestation or infectious disease, a program shall provide an individual storage unit or container for each child's personal articles.

Corrections Made:

During a site visit, cubbies were present for each child to store their personal articles.

Anticipated Completion Date:**Date Completed:**

Compliance Plan Action #3**Administrative Rule:**

67:42:17:35

Playgrounds for all child care settings must be safe, in good repair, and free of debris, trash, and weeds. Playground equipment must be installed according to the manufacturer's instructions and maintained in good repair.

For a center program, a fence that measures at least four feet high is required around the center's outdoor play space.

For a family day care or school-age program, a fence that measures at least forty-two inches high may be required to separate the outdoor play space, if the department determines a body of water, vehicular traffic, or other hazard poses a risk of injury or death to a child.

Summary of Non-Compliance Finding:

Program does not have a fenced in outdoor play area.

Corrections to be Made:

For a center program, a fence that measures at least four feet high is required around the center's outdoor play space.

Program is requesting additional time to install the fence. Until the fence is installed, the provider will ensure adequate supervision is provided to children during outdoor play time.

Corrections Made:

Anticipated Completion Date:
September 30, 2026

Date Completed:

Compliance Plan Action #4**Administrative Rule:**

67:42:17:26

A nap mat, blanket, or other sleep surface, other than the floor, for children over one year of age must be available for each child during nap time.

A sleep surface must be maintained in good repair.

A provider shall follow the safe sleep practices contained in **Caring for Our Children: National Health and Safety Performance Standards, 4th Edition**, for infants under the age of one.

Summary of Non-Compliance Finding:

A nap mat, blanket, or other sleep surface, other than the floor, is not available for children during nap time.

Cribs or pack-n-plays are not available for children under the age of one.

Corrections to be Made:

A nap mat, blanket, or other sleep surface, other than the floor, for children over one year of age must be available for each child during nap time.

Cribs, portable cribs, bassinets, and play yards are required for infants under the age of one.

Corrections Made:

Verification received that program has nap mats for children over the age of one, and cribs for children under one year of age.

Anticipated Completion Date:

August 09, 2026

Date Completed:

August 05, 2026

Compliance Plan Action #5**Administrative Rule:**

67:42:17:33

A provider shall meet the following requirements regarding bathrooms:

- (1) Bathroom facilities must be easily accessible by children and providers;
- (2) Hot water for faucets normally used by children in care may not exceed one hundred twenty degrees Fahrenheit;
- (3) Toilets and hand sinks must be kept clean and in good repair; and
- (4) For child care centers and school-age programs:
 - (a) All bathrooms must have natural or mechanical ventilation;
 - (b) Separate bathrooms must be available for males and females;
 - (c) Ratios for toilet and hand sinks must align with the minimum standards for plumbing and plumbing systems published by the plumbing commission.

Except in a family day care, hand sinks must be in the same room, or an unobstructed room adjacent to the diaper changing area. A handwashing sink used after diapering and toileting may not be used for food preparation.

Summary of Non-Compliance Finding:

Separate bathrooms were not labeled for males and females at time of inspection.

Corrections to be Made:

For child care centers and school-age programs, separate bathrooms must be available for males and females.

Corrections Made:

During a program visit, it was observed that bathrooms were labeled for males and females.

Anticipated Completion Date:

August 09, 2026

Date Completed:

July 29, 2026

Compliance Plan Action #6**Administrative Rule:**

67:42:17:31

An infant shall be fed according to the infant's schedule. The provider shall hold the infant's bottle when feeding the infant. The provider may not feed an infant by propping up the infant's bottle.

Food, including breast milk and formula, must be properly stored, kept at the proper temperature, and protected from potential contamination according to the preparing, feeding, and storing standards contained in **Caring for Our Children: National Health and Safety Performance Standards, 4th Edition**.

Summary of Non-Compliance Finding:

Program does not have an accessible place to properly store food, milk, and formula.

Corrections to be Made:

Food, including breast milk and formula, must be properly stored, kept at the proper temperature, and protected from potential contamination.

Corrections Made:

Verification received that program has an operating refrigerator in rooms used by the program in order to keep food, breast milk, and formula properly stored.

Anticipated Completion Date:
August 09, 2026

Date Completed:
August 05, 2026

Your signature below certifies you have read and understand the non-compliance findings and agree to make corrections to be compliant with the identified administrative rules.

Kelsey Buttke

Printed Name of Provider/Agency Contact



Signature of Provider/Agency Contact

August 05, 2026

Date

The Department of Social Services, Office of Licensing and Accreditation has reviewed and accepted the above plan.

Ambuer Jaacks

Printed Name of DSS Staff

Ambrose

8/5/2026, 4:51:55 PM

Signature of DSS Staff:

August 05, 2026

Date