



Department of Human Services
CHILDREN, ADULTS & FAMILIES

RESOURCE MANAGEMENT INDEX II

ISSUED BY: Program Operations

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OAR: 413-210-0510 thru 0620

SECTION: E. Licensing
Residential Care

SUBSECTION:

SUBJECT: 2. Residential Schools – OAR

REFERENCES:

ORS 418.327

PURPOSE

413-210-500 (1) Rules 413-210-500 through 413-210-620, as printed here or as they may be amended or added to, set forth the State Office for Services to Children and Families standards to be used for reviewing and, if appropriate, certifying those private schools or other organizations offering residential programs for children which are subject to the provision of ORS 418.327.

(2) SOSCF has the duty and function to attempt to obtain and consider criminal offender information on certain employees and volunteers of a private residential school in order to protect the best interest of children.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

DEFINITIONS

413-210-510 (1) "Criminal Offender Information" is information received from the Oregon State Police through the Law Enforcement Data System, or other law enforcement agencies or courts, including records of arrests, convictions and disposition of criminal charges including dismissal, sentencing, confinement and release, and includes the OSP Computerized Criminal History System.

(2) "School and Residential School" means any private (i.e., non publicly operated) school which assumes responsibility for the residential care of all or any students during the non school hours. "Responsibility for" includes providing, administering, or supervising the residential quarters. The terms "School" and "Residential School" include any persons or private or parochial (i.e., non-publicly-operated) facilities or other entities which offer planned, scheduled academic or vocational course work or practice, for the purposes of educating persons under age 18 in subjects and to the extent that, if courses were satisfactorily completed, the course work or practice would be generally accepted by the public or private schools, colleges, or universities in the state as resulting in or contributing to the

certificates, diplomas, or degrees generally offered by such public or private schools, colleges, or universities; but the terms do not include any facility exempted by subsection (8) of ORS 418.327 or any recreational camp affiliated with a national organization including, but not limited to, the Boy Scouts of America, the Girl Scouts of America, the YMCA or the YWCA.

(3) "Staff" means an individual applying for a salaried position with a private residential school, or having a salaried position and being considered for an assignment within a private residential school.

(4) "Volunteer" means an individual applying for or requesting to work on assignments for a child-caring agency on an unsalaried basis.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

POLICY

CERTIFICATE

413-210-520 (1) No person or organization shall operate a residential school without a current, valid Certificate of Approval issued by the State Office for Services to Children and Families.

(2) Upon finding that a residential school meets SOSCF's standards for the physical health, care, and safety of children as set forth in rules 413-210-530 through 413-2100-610, the State Office for Services to Children and Families shall issue a Certificate of Approval.

(3) The certificate of approval shall specify the location and type of school authorized to provide residential care. All certificates expire on June 30 of each year unless sooner suspended or revoked, except as provided in ORS 418.327.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

ADMINISTRATION

413-210-530 (1) SOSCF shall review all Articles of Incorporation or other legal materials describing the school and its stated purpose. After review, the agency shall determine when a school shall be classified as a residential school, or some other appropriate category of residential care for children.

(2) There shall be written policies for the administrator and staff which shall include:

- (a) Personnel policies and procedures;
- (b) Program details and operational procedures; and
- (c) Emergency procedures.

These shall be kept current and be made easily accessible to all staff.

(3) Staff:

(a) School staff and volunteers shall be responsible, mature persons who demonstrate the knowledge and ability to care for children within the generally accepted professional standards of child care;

(b) In disciplining children, school staff and volunteers shall not use harsh punishment. Harsh means spanking, belting, physical/mental abuse, acts designed to humiliate, degrade, or undermine a child's self-respect, or punishment in the presence of a group, deprivation of parental visits, or placing the child in lock-up for punishment;

(c) School staff shall utilize staff and volunteers whose presence does not jeopardize the health, safety, or welfare of children.

(d) Board of Directors:

(A) The board of directors or school will not deny employment, promotion, assignment, or assignment as a volunteer, to a person solely for the reason that person has been convicted of a crime, but will consider the relationship of the facts supporting the conviction to the specific occupational requirements of the job assignment.

(B) In determining a person's suitability for employment or a volunteer, the board of directors of the school will consider the facts relating to any crime, with particular concern to convictions of child abuse, offenses against persons, such as homicide, assault, kidnapping, sexual offenses (rape, sodomy, sexual abuse); offenses against family, such as incest, abandonment of a child, neglect, prostitution, and related offenses, or other offenses against public health and decency, offenses involving narcotics and dangerous drugs including distribution of controlled substance to minors. The board of directors or school will take this information into consideration in judging a person's fitness to work with children and their inclination to behave in such a way as to endanger the welfare of children.

(C) If a person has been arrested or charged with one of the above crimes, with final disposition of the arrest and charge not yet reached, the board of directors or school may withhold its decision to hire or assign the person pending the outcome of the arrest or charge.

(D) If a person was involved in a crime other than those listed above, or the charge on one of the above crimes was dismissed, all intervening circumstances and other background information will be considered in judging a person's fitness to work with children and their inclination to behave in such a way as to endanger the welfare of children.

(E) The board of directors or schools' refusal to hire or assign a person will be based upon records from the court(s) of original record.

(F) Any refusal to hire, assign a person by the board of directors or school under rule 413-210-530 will be subject to the same rights and procedures of appeal as otherwise pertain to employees or volunteers.

(4) Criminal Offender Information:

(a) SOSCF has the duty and function to obtain and consider criminal information, including police files, on applicants for administrator and current administrator of the school at the time of annual licensing, or when SOSCF believes an arrest has occurred:

(A) All criminal offender information received from the State Police will be available only to the SOSCF section responsible for certification of private residential schools, in accordance with applicable State Police rules and procedures relating to criminal offender information.

(B) SOSCF will advise the board of directors or school of applicants or current administrator that have criminal records.

(b) The administrator will be responsible for obtaining background information on school employees who have contact with, care for, or oversee children. SOSCF will obtain criminal information on an employee or applicant at the request of the administrator, its Board of Directors, or the certification unit of SOSCF.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

SOCIAL LIVING

413-210-540 (1) Children shall be grouped as much as possible according to age.

(2) The child's religious faith shall be respected.

(3) Residential supervision shall be provided as follows:

(a) Ratio of child care staff in living units shall be at least one staff member to 20 children;

(b) During sleeping hours, one staff member must be readily available, if needed, and at least one other person available for backup in case of emergency.

(4) No staff shall be hired or retained if there is known history or incidence of child abuse, child molestation, or unconventional behavior which might have a detrimental effect on a child(ren).

(5) There shall be no harsh punishment of children. Harsh means unacceptable punishment that in the determination of SOSCF exceeds the norms of commonly acceptable discipline that might be used by a family. Harsh punishment includes:

(a) Slapping, spanking, belting, marching, standing rigidly in one spot, or any physical abuse;

(b) Acts designed to humiliate, degrade, or undermine a child's self-respect (including ridicule, shaming, name calling, or punishment in the present of the group);

(c) Deprivation of parental visits;

(d) Isolation or lock-up.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

HEALTH AND SAFETY

413-210-550 (1) Each school shall post written directions for dealing with medical or other emergency problems with emergency phone numbers posted at all phones. All staff shall be familiar with these.

(2) A licensed physician shall be available on reasonable notice for care of residents.

- (3)** Medical consent forms shall be obtained from parents or guardians for all residents, which are acceptable to physicians and hospitals. Such forms must be readily available to staff.
- (4)** Children who become ill and require nursing services shall be provided such service at the school, or transferred without delay to an appropriate facility.
- (5)** At least one staff shall hold a current advanced American Red Cross First Aid Card or its equivalent.
- (6)** A standard 24 unit First Aid Kit shall be placed in all living areas, offices, and vocational shops.
- (7)** Fire drills shall be conducted at irregular times, at a minimum of once a month in all buildings. A written record of drills shall be maintained.
- (8)** The Oregon Safety Code for Places of Employment shall be complied with.
- (9)** A staff training safety program shall be conducted on a regular basis.
- Statutory Authority: HB2004**
Stats. Implemented: ORS 418.327

LIVING UNITS

- 413-210-560 (1)** All new construction or major remodeling floor plans of living quarters shall be submitted to SOSCF central office for review and approval of items listed below in this section 413-210-560 prior to construction.
- (2)** Living and dining areas in each unit shall be provided large enough to accommodate all residents at one time. Such room(s) must have mechanical ventilation or a window which can be opened.
- (3)** There shall be outdoor recreational space for all children with equipment suitable for the ages and number of children.
- (4)** There shall be indoor recreational space, including area(s) for arts and crafts, with a minimum of 100 sq. ft. per child.
- (5)** A private or semi-private room shall be provided each child, or dormitory-type rooms may be used with prior approval of SOSCF central office.
- (6)** When common sleeping areas are used, it is recommended that not more

than 20 children be together. In no case shall the number exceed 25.

(7) All sleeping rooms for children shall be outside rooms with adequate sleeping space, ventilation, and lighting as required by public health standards. Each child shall have a separate bed, with no less than 60 square feet per child, excluding closet space, with at least three feet between beds.* Individual closet and storage for personal belongings shall be provided for each child in his sleeping room.

***NOTE:** Exceptions to the 60 square feet per child space requirement will be reviewed by SOSCF central office and allowed if crowding is not evident and other living space is available which can substitute.

(8) When children's sleeping rooms are on more than one floor or in more than one building, a proportionate number of toilets, hand washing sinks, and bathing facilities shall be on each floor and in each building.

(9) Bathroom facilities, aside from meeting specific public health requirements, shall provide at least one toilet, bathtub or shower, or wash basin for each seven children in the unit, with suitable provision for privacy:

(a) There shall be hot water at all shower and hand washing facilities;

(b) Toilet and shower rooms shall have walls and floors of impervious material and shall be adequately ventilated. If toilet room windows can be opened they shall be operational;

(c) Use of wooden racks over shower floors is prohibited. If impervious mats are used they must be cleaned and dried daily;

(d) Bath and toilet rooms shall be properly lighted, measuring no less than ten foot candle power;

(e) In gang-type lavatories, paper towels or air blowers shall be provided. In shower rooms, soap and personal towels shall be provided each child. Soap shall be provided for each lavatory;

(f) Toilet seats shall be open front or U-shaped and made of non-absorbent materials, with easily cleanable finish. All seats, hinges shall be maintained in good repair.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

GENERAL REQUIREMENTS FOR BUILDINGS

413-210-570 (1) All buildings shall comply with state and local codes, including structural, electrical, plumbing, water, sewage, solid waste, and zoning.

(2) By June 30, 1978, and thereafter, all existing buildings having sleeping areas must be equipped with fire alarm and particles of combustion detection systems as specified in the National Fire Protection Association (NFPA) Standards No. 72A and 72E, 1974 editions. The required fire detectors shall be installed in all sleeping areas and paths of exit travel.

(3) Prior to use, all new or remodeled facilities shall be equipped with fire alarm and detection systems, as specified in (2) above.

(4) Plans and installations of the above required systems shall be approved by the State Fire Marshal or his designated representative.

(5) All buildings having sleeping areas in them shall be equipped with emergency exit lighting. Emergency lighting shall be composed of an electrical circuit(s) used only for exit illumination with two independent electric sources so on failure of one the other will operate automatically. One source shall be a public utility or similar outside power source and the other an approved storage battery, automatically charged. Unit devices with individual batteries providing the same functions as above are acceptable. In the event of utility failure, there shall be emergency lighting available for at least one half hour of one foot-candle measured at the floor of exit systems.

(6) Plans for new or remodeled buildings shall be approved by the State Building Division, State Department of Environmental Quality, and SOSCF central office before contracts are let or construction begun.

(7) Both new and existing buildings shall be of sound and durable construction, well maintained, with special attention to fire-resistant materials, fire prevention systems and protective devices, and with furnishing of comfortable design.

(8) The buildings shall be ventilated by natural or mechanical means and have a heating capacity of maintaining a mean temperature of 68°F. at a point 24 inches above the floor of rooms.

(9) Window screens shall be no less than 16 meshes per linear inch.

(10) All screen doors shall be equipped with self-closing devices which do not restrict exit ways.

(11) There shall be no exposed light bulbs in permanently wired fixtures.

(12) Exposed non-current carrying metal parts of cord-and-plug connected equipment shall be grounded with a grounding conductor in the flexible cord terminating in a grounding plug.

(13) Flexible cord shall not be used as a substitute for fixed wiring of a building.

(14) Each disconnecting means for motor and appliances and each service feeder or branch circuit shall be legibly marked to indicate its purpose.

(15) Floors shall be clean and in good repair, so slipping is minimized at entrances or other areas when wet. All interior surfaces shall be readily cleanable.

(16) Corridors shall be kept unobstructed; storage of supplies in corridors is prohibited.

(17) Stairs shall be in good repair, with handrail. Storage on stairs or stairwells is prohibited.

(18) Storage for combustibles shall be separated from other areas and be free from sources of ignition.

(19) All dangerous cleaning supplies, pesticides, solvents, medicines, shall be stored in well-labeled containers in a locked area, away from food supplies and inaccessible to children.

(20) There shall be no painting with lead paint in kitchen or food storage areas.

(21) All equipment and furniture shall be clean and in good repair.

(22) All clean linen shall be stored in clean cupboards with soiled linen in a separate area, away from food preparation and storage areas.

FOOD SERVICE

413-210-580 (1) Requirements of State Sanitary Code for Eating and Drinking Establishments shall be met in the preparation, storage, and service of food.

(2) All resident activities in food preparation areas shall be under the direct supervision of the staff.

(3) A food service plan, including daily menus, shall be written at least one week in advance. Meal records of the previous three weeks shall be kept for SOSCF

inspection.

(4) Meals shall be nutritionally adequate, according to current dietary allowances of Food & Nutrition Board of National Research Council adopted January 11, 1975.

(5) Serving of raw milk is prohibited.

(6) No home-canned vegetables, meats, or fish shall be stored or served by the facility. This does not prohibit freezing of produce nor canning of fruit, jams, and jellies, nor commercial canning other homegrown food.

(7) All utensils, including dishes, glass, and silverware, shall be properly cleaned and sanitized after each use, and protected from dust or other contamination.

(8) All kitchen equipment for food preparation shall be of easily cleanable construction. All surfaces shall be smooth and impervious.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

SITE AND GROUNDS

413-210-590 (1) Grounds shall be kept free of litter, solid waste, and refuse. Site shall be free of debris, ditches, or other conditions presenting a potential physical hazard.

(2) Barbed wire fencing is prohibited.

(3) Maintenance equipment shall be stored in a secure location.

(4) Bicycle racks shall be in a safe place separate from auto parking areas.

(5) There shall be barriers between the outdoor activity area and traveled roads, drainage channels, or any other existing hazards.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

HEALTH

413-210-600 (1) Water:

(a) Maintenance of source, supply, and distribution system shall be in compliance with State Health Division rules on construction, operation, and maintenance of community and public water supply systems;

(b) Water of drinking fountains shall be of sufficient volume that persons using it do not come in direct contact with the orifice guard;

(c) No kitchen or bathroom sink, bathroom tub, or shower shall be used for disposal of cleaning waste water.

(2) Sewage:

(a) All sewage shall be disposed of in accord with the State Department of Environmental Quality rules;

(b) Subsurface sewage disposal systems shall be maintained and operated in accordance with Department of Environmental Quality rules and regulations governing such disposal.

(3) Garbage:

(a) All solid waste shall be disposed of in accord with the State Department of Environmental Quality Rules and regulations, and stored in water-tight, non-absorbent, and easily washable containers, with close-fitting lids;

(b) Kitchen waste shall not be saved for eventual use as swine food unless the collector is licensed by the State Department of Agriculture to use cooked kitchen waste.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

EDUCATION

413-210-610 (1) Residential schools must provide a comprehensive educational program which meets the minimum standards required of public educational institutions, and/or provide an educational program suitable for the individual children in residence, as determined by the State Department of Education.

(2) School buildings shall be adequate in size and arrangement for the program offered:

(a) Conventional classrooms for elementary schools shall be not less than 30 square feet per student, exclusive of storage space;

(b) For junior high and high schools, not less than 40 square feet per student, exclusive of storage and preparation areas.

(3) Plans for non-traditional classrooms, when submitted for the State Office for Service to Children and Families central office approval, shall include explanation of program for which they are intended.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327

ENFORCEMENT

413-210-620 (1) In order to ascertain continued compliance with these standards, SOSCF shall have right of entry, privilege of inspection, and access to staff and all records of work with children.

(2) Upon failure to meet standards and correct deficiencies, the State Office for Services to Children and Families may revoke, suspend, or refuse to renew the Certificate of Approval. Any revocation, suspension, or refusal to renew by SOSCF shall be subject to the provisions of ORS Chapter 183.

Statutory Authority: HB2004

Stats. Implemented: ORS 418.327