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Regulation Package #0709-07

CDSS MANUAL LETTER NO. CCL-10-09

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 5, GROUP HOMES

Regulation Package #0709-07

Effective 10/03/2010

Sections 84001, 84067, 84076, 84079, 84087.2, 84088, and 84090

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG644.htm>.

Assembly Bill (AB) 2096, (Chapter 483, Statutes of 2008), amended Welfare and Institutions Code Sections 362.05 and 727 and requires a group home administrator or facility manager, or his or her responsible designee to apply the "Reasonable and Prudent Parent Standard," as defined in 362.04(a)(2), when determining whether to allow group home children (i.e., wards and dependents) to participate in age-appropriate extracurricular, enrichment, and social activities. AB 2096 required designated staff to take steps to determine the appropriateness of the activity considering the child's age, maturity, and developmental level.

These regulations clarify and create standards for group home administrators or facility managers, or his or her designee in regard to applying a "Reasonable and Prudent Parent Standard." These regulations are intended to clarify the definition of "Reasonable and Prudent Parent Standard," to guide its application to group homes when determining whether to allow children (i.e., wards and dependents) to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities, and to amend various sections of the group home regulations to allow for the day-to-day application of this standard.

These regulations add new training requirements for specified staff in group homes, small family homes, foster family agencies, foster family homes, and transitional housing placement programs. As specified in Health and Safety Code Sections 1522.41 (c)(1)(J) and 1529.2 (b)(3)(G), amended by AB 3015, (Chapter 557, Statutes of 2008), this new training provides basic instruction on existing laws and procedures addressing the safety of foster youth at school and to ensure a harassment and violence free school environment.

These new training requirements will assist in educating group home administrators and licensed caregivers on what schools are doing to promote student safety, and harassment and violence prevention. Applicable statutes have been added to handbook for easy reference.

These regulations were considered at the Department's public hearings held on May 12, 2010.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-10-08. The latest prior manual letter containing Group Homes regulation changes was Manual Letter No. CCL-10-02.

Page(s)

1 and 2
14 and 14.1
35 through 36
49 through 60.5

Replace(s)

Pages 1 and 2
Pages 14 and 14.1
Pages 35 through 36
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Attachments

KJ

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- (I) A registered nurse as defined in Section 76835.
- (J) A recreation therapist as defined in Section 76834.
- (K) A rehabilitation counselor as defined in Section 76836.

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- (r) (1) "Reasonable and Prudent Parent Standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest, that an administrator or facility manager, or his or her responsible designee, shall use when determining whether to allow a child in care to participate in extracurricular, enrichment and social activities.
- (2) "Runaway" means a child who absents himself or herself from the facility without permission from facility personnel.
- (3) "Runaway Plan" means a written plan which addresses how the licensee will respond to runaway situations.
- (s) (1) "Satellite Home" means a facility which is owned by, contracted with, or otherwise controlled by the licensee of another group home. The primary function of the satellite home is to provide residential services to children who are former clients of the primary group home and/or to children who receive direct services from the primary group home. As specified in Section 80008(b), each satellite home is required to independently meet regulations applicable to its licensed category.
- (2) "Social Work Staff" means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.
 - (A) Such alternative means shall include services provided by the social work staff of placement agencies only when such services are within the scope of the duties assigned to the worker by his/her agency.

HANDBOOK BEGINS HERE

- (B) Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

HANDBOOK ENDS HERE

- (3) "Specialized Group Home" means a licensed group home which provides specialized in-home health care to children.

84001 DEFINITIONS (Continued)**84001**

- (4) "Specialized In-Home Health Care" means health care identified by the child's physician as appropriately administered in the facility by a health care professional or by a licensee or staff trained by health care professionals pursuant to the child's individualized health care plan. For a child with special health care needs placed in a group home after November 1, 1993, these services must be provided by a health care professional.
- (t) (Reserved)
- (u) (Reserved)
- (v) (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.
- (2) "Vendor Applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1522.41(j), 1530, 1530.8, and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1503, 1507, 1522.4, 1522.41, 1522.41(j), 1530.8, and 1531, Health and Safety Code; and Sections 362.04(a)(2), 362.05(a), 727(a)(4)(A), 11331.5(d), 11406(c), 17710(a), (d), (g), and (h), 17731 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

84002 DEFINITIONS - FORMS**84002**

The following forms are incorporated by reference:

- (a) LIC 9165 (2/99), Board of Directors Statement.
- (b) PUB 326 (4/99), Facts You Need to Know, Group Home Board of Directors.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(b)(1) and (2), Health and Safety Code.

84066.1 ADDITIONAL PERSONNEL RECORDS FOR SPECIALIZED GROUP HOMES (Continued) 84066.1

- (2) A copy of a valid license or certificate indicating that he/she is a licensed health care professional.
- (c) For each volunteer caring for children in a specialized group home, the licensee shall have on file the record of a health screening and test for tuberculosis as specified in Section 84065.1(c). The health screening shall be used in place of the volunteer statement specified in Section 80065(g)(3)(A).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1501, 1531 and 1562, Health and Safety Code.

84067 REASONABLE AND PRUDENT PARENT STANDARD 84067

- (a) The administrator or facility manager, or his or her responsible designee, shall apply the "Reasonable and Prudent Parent Standard," as defined in Section 84001(r)(1) and specified in Welfare and Institutions Code sections 362.05 and 727, in determining whether to allow a child to participate in age-appropriate, developmentally-appropriate extracurricular, enrichment, and social activities.
- (b) When applying the "Reasonable and Prudent Parent Standard," the administrator or facility manager, or his or her responsible designee, shall consider:
- (1) The child's age, maturity, and developmental level to ensure the overall health and safety of the child is maintained.
 - (2) The potential risk factors and the appropriateness of the extracurricular, enrichment, and social activity.
 - (3) The best interest of the child based on information known by the administrator or facility manager, or his or her designee.

HANDBOOK BEGINS HERE

The "Reasonable and Prudent Parent Standard" allows every child in placement the opportunity to participate in age-appropriate, developmentally-appropriate extracurricular, enrichment, and social activities. The administrator or facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child.

The administrator or facility manager, or his or her responsible designee, is encouraged to document the type of activity and steps taken to ensure the appropriateness of the activity. Documentation provides evidence that staff took the necessary precautions to make informed, reasonable, and prudent decisions that ensures the health and safety of the child.

HANDBOOK CONTINUES

84067 REASONABLE AND PRUDENT PARENT STANDARD (Continued)

84067

HANDBOOK CONTINUES

Welfare and Institutions Code section 362.05 provides:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission or a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.

(b) A group home administrator or a facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child at the group home in applying and using the reasonable and prudent parent standard."

Welfare and Institutions Code section 727 provides in part:

"(a)(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities... .

(B) A group home administrator or a facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the child at the group home in applying and using the reasonable and prudent parent standard."

"Reasonable and Prudent Parent Standard" is referenced in the following:

- (1) Section 84001, Definitions.
- (2) Section 84067, Reasonable and Prudent Parent Standard.
- (3) Section 84076, Food Service.

HANDBOOK CONTINUES

84067 REASONABLE AND PRUDENT PARENT STANDARD (Continued)**84067****HANDBOOK CONTINUES**

- (4) Section 84079, Planned Activities.
- (5) Section 84087.2, Outdoor Activity Space.
- (6) Section 84088, Fixtures, Furniture, Equipment, and Supplies.

HANDBOOK ENDS HERE

- (c) Application of the "Reasonable and Prudent Parent Standard" shall not result in the denial of the rights of a child as specified in Welfare and Institutions Code section 16001.9, or contradict court orders or the needs and services plan of the child.

NOTE: Authority cited: Sections 1501, 1530 and 1531, Health and Safety Code. Reference: Sections 362.04, 362.05, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096 (Chapter 483 Statutes of 2008).

84068.1 INTAKE PROCEDURES**84068.1**

- (a) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
- (b) When a child is being considered for nonemergency placement in a group home, the following requirements shall be met prior to the child's placement in the home.
 - (1) The information specified in Sections 80070(b)(1) through (5), (7), (8) and (10), and Sections 84070(b)(1) through (10) shall be obtained from the placement agency, if any, or from the child's authorized representative(s).
 - (A) If the information is not completed by a placement agency, the licensee shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative, and shall record and retain the details of those requests.
 - (B) If the information is not received within 15 days of the requests specified in (A) above, the licensee shall obtain the information necessary to complete a standard appraisal form from other sources.
 - (C) When the information is received, social work staff shall complete a standard appraisal for the child on a form approved and/or furnished by the licensing agency.
 - (2) The needs and services plan shall be completed as specified in Section 84068.2.

84068.1 INTAKE PROCEDURES (Continued)**84068.1**

- (3) The information specified in (1) and (2) above shall be reviewed by the social work staff to determine whether the facility can provide the services necessary to meet the child's needs.
 - (A) If it is determined that the facility cannot provide necessary services, applicable discharge procedures specified in Sections 84068.4(b), (c) and (e); and 84070(d) through (d)(3) shall be followed.
- (4) If the child is accepted for placement, the following requirements shall be met:
 - (A) An admission agreement shall be completed and signed as specified in Section 80068.
 - (B) The administrator or his/her designee, and the child and/or his/her authorized representative(s), shall sign copies of the removal and/or discharge policies and procedures specified in Section 84068.4(a); of the discipline policies and procedures specified in Section 84072.1(a); and of the complaint procedures specified in Section 84072.2(a), to verify the receipt of such information.
 - (C) Information specified in Sections 80070 and 84070 necessary to complete the child's file shall be obtained.
 - (D) Needs and services plan requirements specified in Section 84068.2 which were not addressed on the standard appraisal form, if used, shall be met.
- (c) If the child is placed in the facility under emergency circumstances, the licensee shall ensure that the following requirements are met:
 - (1) Placement of the child in the facility shall not result in the facility exceeding its licensed capacity.
 - (2) The admission agreement and other procedures specified in (b)(4)(A) and (B) above shall be completed no later than seven days following the emergency placement.
 - (3) If it is determined, following emergency placement of the child in the facility, that the facility cannot continue to provide necessary services, applicable discharge procedures specified in Sections 84068.4(b), (c) and (e); and 84070(d) through (d)(3) shall be followed.
 - (4) If the child is continued in placement, the following requirements shall be met no later than 30 days following the emergency placement:
 - (A) Information specified in Sections 84070(b) and 84068.2 shall be obtained.

84072.3 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**84072.3**

- (a) Except as specified in this section, Section 80072(a)(8) shall not apply to children with special health care needs.
- (b) A child with special health care needs has the right to be free from any restraining/postural support device imposed for purposes of discipline or convenience, and not required to treat the child's specific medical symptoms.
- (1) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures such as, but not limited to, intravenous therapy or catheterization procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the child's individualized health care plan. The child's individualized health care plan shall include all of the following:
- (A) The specific medical symptom(s) that require use of the restraining device.
- (B) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices as ineffective.
- (C) A written order by the child's physician. The order must specify the duration and circumstances under which the restraining device is to be used.
- (2) Postural support as specified in Sections 80072(a)(8)(A) and (A)1., half-length bed rails, and protective devices as specified in Section 80072(a)(8)(G), may be used if prescribed in the individualized health care plan. The use of a postural support or protective device and the method of application shall be specified in the child's individualized health care plan and approved in writing by the child's physician.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17730, Welfare and Institutions Code.

84074 TRANSPORTATION**84074**

- (a) In addition to Section 80074, the following shall apply:
- (b) The licensee and his/her staff are prohibited from smoking, or permitting any person from smoking a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 118948, Health and Safety Code.

84075 HEALTH-RELATED SERVICES**84075**

- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall ensure that all prescribed medications are centrally stored, as provided in Section 80075(h)(3).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

84076 FOOD SERVICE**84076**

- (a) In addition to Section 80076, the following shall apply.
- (b) Written menus shall be posted weekly in an area accessible to the staff and children.
- (c) The licensee shall meet the following food supply and storage requirements:
 - (1) Supplies of staple nonperishable foods for a minimum of one week and fresh perishable foods for a minimum of two days shall be maintained on the premises.
 - (2) Freezers shall be large enough to accommodate required perishables and shall be maintained at a temperature of zero degrees F (-17.7 degrees C).
 - (3) Refrigerators shall be large enough to accommodate required perishables and shall maintain a maximum temperature of 45 degrees F (7.2 degrees C).
 - (4) Freezers and refrigerators shall be kept clean, and food storage shall permit the air circulation necessary to maintain the temperatures specified in (2) and (3) above.
 - (5) Kitchen appliances and utensils shall be made accessible to a child when he or she is participating in age-appropriate, and developmentally-appropriate activities related to food preparation, cooking, and other related kitchen and dining activities. The administrator or facility manager, or his or her responsible designee, shall:
 - (A) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when allowing a child to use kitchen appliances and utensils for food preparation and cooking.
 - (B) Ensure that the child is properly trained to safely use the kitchen appliances and utensils.
 - (C) Not require a child to participate in meal preparation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 727, and 16001.9, Welfare and Institutions Code.

84077	PERSONAL SERVICES	84077
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- (a) The licensee shall ensure the following:
- (1) Provision of basic laundry services, including but not limited to washing, drying, and ironing of children's personal clothing.
 - (A) Children shall be permitted to participate in the performance of such services provided that the requirements specified in Section 80065(j) are met.
 - (2) Provision of an allowance to all children no less frequently than once per month except:
 - (A) If the child in placement is an infant as defined in Section 80001.
 - (B) If the child is unable to manage his/her own money because of age or if the authorized representative determines that the child cannot manage his/her own money.
 - (1) If the authorized representative considers the child incapable of money management, it must be specified in the needs and services plan.
 - (3) Portions of a child's allowance may be withheld through a fining system as specified in Section 84026

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1501 and 1531, Health and Safety Code.

84078	RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION	84078
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- (a) In addition to Section 80078, the following shall apply.
- (b) The licensee shall provide those services identified in each child's needs and services plan and in the individualized health care plan for each child with special health care needs as necessary to meet the child's needs.
- (c) The licensee is responsible for ensuring care and supervision of the child(ren) of any minor parent(s) in placement.
 - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) The licensee shall ensure each child's attendance at an educational program in accordance with state law.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1501 and 1531, Health and Safety Code.

84079 PLANNED ACTIVITIES**84079**

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
- (1) Activities that require group interaction.
 - (2) Physical activities, including but not limited to games, sports and exercise.
 - (3) Leisure time.
 - (4) Educational activities, including attendance at an educational program in accordance with state law, and supervision of after school study as specified in Section 84078(c).
 - (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84068.2(c)(3) through (5).
- (b) Each child who is capable shall be given the opportunity to participate in the planning, preparation, conduct, cleanup, and critique of planed activities.
- (c) The administrator or facility manager, or his or her designee, shall:
- (1) Allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.
 - (2) Apply the "Reasonable and Prudent Parent Standard" as specified in Section 84067, when determining whether to allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.

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Activities may include but are not limited to the following:

- (1) Worship services and activities of the child's choice.
- (2) Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events.
- (3) The YMCA, YWCA, Boy Scouts, and Girl Scouts.
- (4) Sports.
- (5) School activities such as band, dances, and field trips.
- (6) Leisure time such as bike riding, socializing with friends, shopping, and going to the movies.

HANDBOOK CONTINUES

84079 PLANNED ACTIVITIES (Continued)**84079**

HANDBOOK CONTINUES

- (7) 4-H activities.
- (8) Sleepover with friends.
- (9) Having visitors in the home.
- (10) Use of computer equipment.
- (A) Computer equipment made available to other children in the household should also be available to a "child" of similar age and maturity.
- (B) The caregiver is not required to incur a cost to provide computer availability.

HANDBOOK ENDS HERE

- (d) In facilities with a licensed capacity of 13 or more children, a schedule of the planned activities shall be posted on at least a weekly basis in a central facility location readily accessible to children, relatives, and representatives of placement and referral agencies.
 - (1) Copies of schedules shall be retained in the facility's files for at least six months.
- (e) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 84072(c)(34). The information may include, but is not limited to:
 - (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (2) Informational brochures on postsecondary or vocational schools/programs.
 - (3) Campus tours.
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (5) School-sponsored events promoting postsecondary or vocational schools/programs.
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9 Welfare and Institutions Code; Sections 361.2(j)(2), 362.04, 362.05, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096, (Chapter 483 Statutes of 2008).

84080 RESIDENT COUNCILS**84080**

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
 - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
 - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
 - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
 - (4) Residents shall be encouraged but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK BEGINS HERE

Health and Safety Code Section 1250.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.2, Health and Safety Code.

Article 7. PHYSICAL ENVIRONMENT**84087 BUILDINGS AND GROUNDS****84087**

- (a) In addition to Section 80087, the following shall apply.
- (b) Bedrooms shall meet, at a minimum, the following requirements:
 - (1) No more than two children shall sleep in a bedroom.
 - (2) Bedrooms shall be large enough to allow for easy passage and comfortable use of any required assistive devices, including but not limited to wheelchairs, between beds and other items of furniture.
 - (3) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (4) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas, and sheds or similar detached buildings.
 - (5) No bedroom shall be used as a public or general passageway to another room, bath or toilet.
 - (6) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by adults and infants, no more than one infant and no more than two adults shall share the room.
 - (B) If two children have been sharing a bedroom and one of them turns 18 they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 80024.
 - (7) Private bedrooms, separate from the children's bedrooms shall be provided for staff or other adults who sleep at the facility.
 - (A) Staff bedrooms are to be located near the children's sleeping area.

84087 BUILDINGS AND GROUNDS (Continued)**84087**

- (8) Subsections (1), (2), (3), (4), (5), and (6) apply to all bedrooms used by all children in the facility including children who are members of the licensee's family, children of staff members and children in placement.
- (9) Subsections (4), (5) and (7) apply to all bedrooms used by the licensee(s), staff and any other adults in the facility.

(c) The licensee shall prohibit smoking in the facility and on the grounds of the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code and *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006)*.

84087.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS FOR SPECIALIZED GROUP HOMES**84087.1**

- (a) Areas in the home, including bedrooms, bathrooms, toilets, dining areas, passageways and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment needed by the child therein.
 - (1) Bedrooms occupied by children with special health care needs shall be large enough to allow the storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (A) The bedroom shall be large enough to permit unobstructed bedside ministrations of medical procedures and medications.
- (b) Notwithstanding Section 84087(b)(1), a bedroom used by a child with special health care needs shall not be shared with another minor residing in the facility if the child's need for medical services or the child's medical condition would be incompatible with the use and enjoyment of the bedroom by each minor.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732, Welfare and Institutions Code.

84087.2 OUTDOOR ACTIVITY SPACE**84087.2**

- (a) Children shall have access to safe outdoor activity space.
- (1) Outdoor activity space meeting the requirement of (a) above shall include but not be limited to activity centers and public parks.
 - (2) A sketch of the physical plant as required in the plan of operation pursuant to Section 80022, shall include the location(s) of outdoor activity space.
 - (3) The outdoor activity space shall not include any area made inaccessible by fencing pursuant to Section 80087(f).
 - (4) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor activity space shall be inaccessible to such hazards.
 - (A) Where a fence or wall is used to make the outdoor activity space inaccessible, the requirements of Section 80087(f)(1) shall be met.
 - (5) The administrator or facility manager, or his or her responsible designee, shall apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether to allow a "child" to have access to fish ponds, fountains, and similar bodies of water.
 - (A) The licensee shall ensure safeguards that include but are not limited to; familiarity of the surroundings, and staff trained in water safety as specified in Section 80065(e)(2).
- (b) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material which absorbs falls.
- (1) Sand, woodchips, peagravel or rubber mats commercially produced for this purpose, shall be permitted.
 - (2) The use of cushioning material other than that specified in (1) above shall be approved by the licensing agency in advance of installation.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

84087.3 INDOOR ACTIVITY SPACE**84087.3**

- (a) As a condition of licensure, there shall be common rooms, including a living room, dining room, den or other recreation/activity room, which provide the necessary space and/or separation to promote and facilitate the program of planned activities specified in Section 84079; and to prevent such activities from interfering with other functions.
- (1) At least one such room shall be available to children for relaxation and visitation with friends and/or relatives.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84088 FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES**84088**

- (a) In addition to Section 80088, the following shall apply.
- (b) As a condition of licensure, toilet, wash basin, bath and shower fixtures shall, at a minimum, meet the following requirements.
- (1) There shall be at least one toilet and wash basin maintained for each six persons residing in the facility, including children and personnel.
- (2) There shall be at least one shower or bathtub maintained for each ten persons residing in the facility, including children and personnel.
- (3) Toilets and bathrooms shall be located so that children do not have to go out-of-doors to have access to such accommodations.
- (4) Individual privacy shall be provided in all toilet, bath, and shower areas.
- (c) The licensee shall provide and make readily available to each child the following furniture, equipment and supplies necessary for personal care and maintenance of personal hygiene:
- (1) An individual bed maintained in good repair; equipped with good springs and a clean mattress; and supplied with pillow(s) which are clean and in good repair.

84088**FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****84088**

- (A) No group home shall have more beds for children's use than required for the maximum capacity approved by the licensing agency.
 - 1. This requirement shall not apply to the bed(s) made available for illness or separation of others in an isolation room or area as specified in Section 80075(b).
 - (B) Fillings and covers for mattresses and pillows shall be flame retardant.
 - (C) The use of cots, trundle, or bunk beds shall be prohibited.
- (2) Clean linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets; pillow cases; mattress pads; and bath towels, hand towels and wash cloths.
- (A) The quantity of linen provided shall permit changing the linen at least once each week, or more often when indicated to ensure that clean linen is in use by children at all times.
 - (B) Use of common towels and wash cloths shall be prohibited.

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- (C) Rubber or plastic sheeting or bed coverings should be provided when necessary.

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- (3) Items used to maintain basic personal hygiene practices, including but not limited to shampoo, feminine napkins, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
- (4) Portable or permanent closets and drawer space in the child's bedroom to accommodate the child's clothing and personal belongings.
 - (A) A minimum of two drawers or eight cubic feet (.2264 cubic meters) of drawer space, whichever is greater, shall be provided for each child.

84088 **FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)****84088**

- (d) The administrator or facility manager, or his or her responsible designee, shall:
- (1) Apply the "Reasonable and Prudent Parent Standard," as specified in Section 84067, when determining whether a child should have access to disinfectants and cleaning solutions; and
 - (2) Ensure that the child is properly trained to safely use disinfectants and cleaning solutions.
- (e) The following facilities shall maintain a signal system which meets the requirements specified in (e) and (f) below. Such system shall be used by children to summon staff during an emergency.
- (1) All facilities with a licensed capacity of 31 or more children.
 - (2) All facilities having separate floors and not providing full-time staff on each floor whenever children are present.
 - (3) All facilities having separate buildings and not providing full-time staff in each building whenever children are present.
- (f) The signal system shall have the ability to meet the following requirements:
- (1) Operation from each children's living unit.
 - (2) Transmission of a visual and/or auditory signal to a central location, or production of an auditory signal at the specific children's living unit which is loud enough to summon staff.
 - (3) Identification of the specific children's living unit from which the signal originates.

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- (A) Intercoms may be used to meet the requirement for a signal system as long as all facility clients are capable of using the intercom system, and the intercom system meets all the requirements of a signal system.

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- (g) Facilities having more than one wing, floor or building shall be allowed to have a separate signal system in each component provided that each such system meets the requirements specified in (e) above.

84088	FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES (Continued)	84088
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- (h) The licensee shall provide and maintain the supplies, equipment and reading material necessary to implement the planned activities.
- (i) The licensee shall provide and make readily available to each child well-lighted desk or table space and necessary supplies, including reference materials, for school-related study.
- (j) Construction or other equipment, including but not limited to incinerators and air conditioning equipment, shall be made inaccessible to children.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j)(2), 362.04, 362.05, and 727, Welfare and Institutions Code.

84088.3	OUTDOOR ACTIVITY EQUIPMENT	84088.3
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- (a) Outdoor activity equipment shall be securely anchored to the ground unless it is portable by design.
 - (1) Equipment shall be maintained in a safe condition free of sharp, loose or pointed parts.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS**84090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS 84090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department. The request shall contain the following:
- (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(6).
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained as required by Section 84090(i)(4) below.
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in (7) and (8) above.
 - (10) A processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department and shall contain the information and processing fee specified in Section 84090(b) above.

84090 INITIAL CERTIFICATION TRAINING PROGRAM APPROVAL REQUIREMENTS (Continued) 84090

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
- (1) A minimum of forty (40) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
 - (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
 - (B) Four (4) hours of instruction in business operations.
 - (C) Four (4) hours of instruction in management and supervision of staff.
 - (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.
 - (E) Four (4) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Two (2) hours of instruction in the physical needs of facility residents.
 - (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
 - (H) Five (5) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination policies, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status

**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.
- (J) One (1) hour of instruction on existing laws and procedures regarding the safety of foster youth at school as contained in the California Student Safety and Violence Prevention Act of 2000.

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Health and Safety Code section 1522.41(c)(1)(J) provides in pertinent part:

"Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000...."

Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

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**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS (Continued)****84090**

- (2) A standardized test administered by the Department.
 - (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
 - (B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 84090(h)(1)(A) through (I) above.

- (i) Initial Certification Training Program vendors shall:
 - (1) Offer all forty (40) of the classroom hours required for certification.
 - (A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(6)(D).
 - (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
 - (3) Submit to the Department within seven (7) days of determination the names of individuals who have completed forty (40) hours of classroom instruction.
 - (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following information:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 84090(i)(6).
 - (C) Names of registered participants and documentation of completion of the program.

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- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001(s)(6).
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.41, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL CERTIFICATION TRAINING PROGRAM 84090.1

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

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**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1****HANDBOOK CONTINUES**

- (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the Department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

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Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES