

Small Family Homes

Amend Section 83064 to read:

83064 LICENSEE DUTIES AND RESPONSIBILITIES (Continued) 83064

- (f) The licensee shall ensure that individuals, who provide care and supervision of a child in a facility, have training on the 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 1529.2(b)(3)(G) provides:

"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 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code)."

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."

HANDBOOK ENDS HERE

Authority cited: Section 1530, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1529.1, 1529.2, 1530.91, 1531, and 1562, Health and Safety Code; Sections 366.1, 366.21, and 16001.9, Welfare and Institutions Code; and California Student Safety and Violence Prevention Act of 2000 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

Group Homes

Amend Section 84001 to read:

84001      DEFINITIONS

84001

In addition to Section 80001, the following shall apply: (Continued)

- (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.

~~(1)~~(2) (Continued)

~~(2)~~(3) (Continued)

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).

Adopt Section 84067 to read:

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.

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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.

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

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(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.

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).

Amend Section 84076 to read:

84076 FOOD SERVICE (Continued)

84076

(c)(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.

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.

Amend Section 84079 to read:

84079 PLANNED ACTIVITIES (Continued)

84079

- (c) The licensee ~~administrator or facility manager, or his or her designee, shall: permit children to attend and participate in community activities, including but not limited to the following:~~
- (1) ~~Worship services and activities of the child=s choice. Allow a child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities.~~
  - (2) ~~Community events, including but not limited to concerts, tours, dances, plays, and celebrations of special events. 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.~~
  - (3) ~~The YMCA, YWCA, and Boy and Girl Scouts~~

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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.
  - (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.

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(d) (Continued)

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, 727, and 16001.9, Welfare and Institutions Code; Assembly Bill 2096, (Chapter 483 Statutes of 2008).

Amend Section 84087.2 to read:

84087.2 OUTDOOR ACTIVITY SPACE

84087.2

(a) Children shall have access to safe outdoor activity space. (Continued)

(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). (Continued)

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.

Amend Section 84088 to read:

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.

~~(d)~~(e)      (Continued)

~~(e)~~(f)      (Continued)

~~(f)~~(g)      (Continued)

~~(g)~~(h)      (Continued)

~~(h)~~(i)      (Continued)

~~(i)~~(j)      (Continued)

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.

Amend Section 84090 to read:

84090 INITIAL CERTIFICATION TRAINING PROGRAM 84090  
APPROVAL REQUIREMENTS (Continued)

- (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: (Continued)
- (H) ~~Six (6)~~ Five (5) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination polices, 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. (Continued)
- (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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(J) Reserved

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."

~~(K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed group homes, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et. Seq.~~

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(2) (Continued)

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; ~~and~~ 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.

Transitional Housing Placement Program

Amend Section 86065 to read:

86065 PERSONNEL REQUIREMENTS 86065

(a) In addition to Section 80065, excluding Subsections 80065(c) and (e) the following shall apply: (Continued)

(7) THPP personnel, who provide care and supervision of foster youth, shall be trained on existing laws and procedures regarding the safety of foster youth at school as specified in the California Student Safety and Violence Prevention Act of 2000.

HANDBOOK BEGINS HERE

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.

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(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."

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1506, 1529.2, 1531, and 1559.115, Health and Safety Code; ~~and~~ Sections 16001.9 and 16522.1, 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.

Foster Family Agencies

Amend Section 88065 to read:

88065 PERSONNEL REQUIREMENTS

88065

(a) In addition to Section 80065, excluding Sections 80065(e), (f) and (j), the following shall apply: (Continued)

(6) All foster family agency personnel, who provide care and supervision of a child, shall be trained on the 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.

~~(6)~~(7) (Continued)

~~(7)~~(8) (Continued)

~~(8)~~(9) (Continued)

~~(9)~~(10) (Continued)

~~(10)~~(11) (Continued)

HANDBOOK BEGINS HERE

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(4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

HANDBOOK ENDS HERE

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 11166.5 and 11174.1, Penal Code; ~~and~~ Sections 1529.2, 1530, and 1540.2, Health and Safety 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.

Foster Family Homes

Amend Section 89405 to read:

89405 TRAINING REQUIREMENTS 89405

- (a) The caregiver is required to complete training as specified in Health and Safety Code section 1529.2, subsection (b).
- (1) The following courses, seminars, conferences, or training accepted by the licensing agency to meet the training requirements in Health and Safety Code section 1529.2, subsections (b)(3) and (4) include, but are not limited to: (Continued)
- (H) Caregiver rights, responsibilities, and grievance process, ~~and~~
- (I) Licensing and placement regulations, and
- \*(J) Existing laws and procedures regarding the safety of foster youth at school as specified in the California Student Safety and Violence Prevention Act of 2000.

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Health and Safety Code section 1529.2(b)(3)(G) provides:

"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, Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code."

Education Code section 32228 provides:

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(b) (Continued)

Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1506, 1506.7, 1529.1, 1529.2, 1531, and 1562, Health and Safety Code; Sections 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.