YOUTH SERVICES
POLICY

Title: Standard Operating Procedures for Contract Providers	**Type:** A. Administrative **Sub Type:** 4. Contract Management **Number:** A.4.2
	Page 1 **of** 2
References: U.S. DOJ PREA Standards 115.312(a) and (b); ACA Standards 2-CO-1B-09, and 2-CO-1B-10 (Standards for Administration of Correctional Agencies); YS Policy A.4.1 "Contract Process"	
STATUS: Approved	
Approved By: *James Bueche, Ph.D., Deputy Secretary*	**Date of Approval:** 12/23/2019

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the "Standard Operating Procedures for Contract Providers" programs as a YS/OJJ policy.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, Regional Managers, and all non-secure contractors who provide care and treatment to youth who are in the custody or under the supervision of YS.

IV. DEFINITIONS:

Contract Facilities - For purposes of this policy, Contract Facilities are non-secure residential facilities that are contracted by YS to house and provide care and treatment to youth who are in the custody or under the supervision of YS.

Non-Secure Programs - Providers granted contracts by the YS/Office of Juvenile Justice to render services to youth who are in the custody or under the supervision of the YS.

NOTE: Additional definitions may be found in the attached SOP**.**

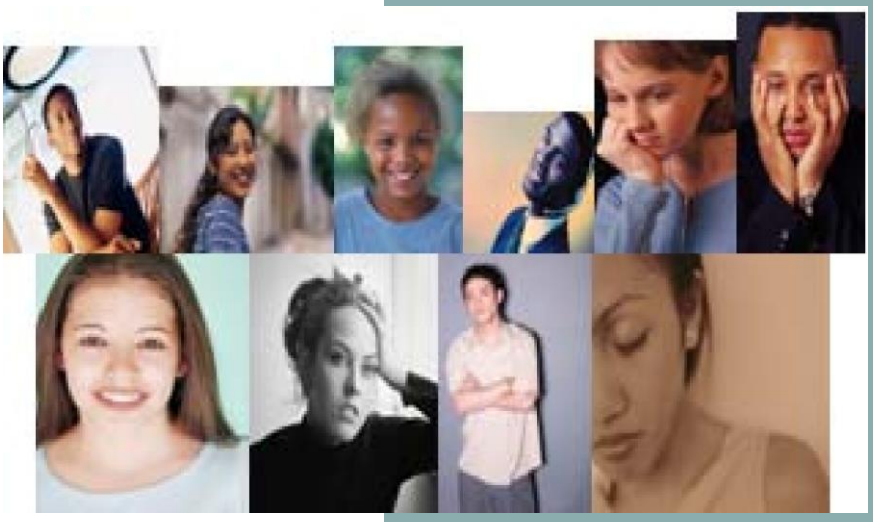
V. POLICY:

It is the Deputy Secretary's policy that all non-secure youth program contractors abide by the provisions contained in the attached "Standard Operating Procedures (SOP) for Contract Providers".

Previous Regulation/Policy Number: A.4.2
Previous Effective Date: 11/30/2017
Attachments/References:
A.4.2 (a) Standard Operating Procedures for Contract Providers Dec 2019.pdf
A.4.2 (b) LSP Form DPSSP 6696 Dec 2018.pdf
A.4.2 (c) RS 46 51.2.Dec 2019.docx
A.4.2 (d) RS 46 1414.1.Nov 2017.docx
A.4.2 (e) State Central Registry Disclosure Form Jan 2013.pdf
A.4.2 (f) RS 15 587.1.Dec 2019.docx
A.4.2 (g) Log of Criminal Background and Central Registry Checks Nov 2017.docx
A.4.2 (h) Mandated Reporters of Abuse Neglect Form Jan 2012.pdf
A.4.2 (i) Home Pass Evaluation Checklist Nov 2017.docx
A.4.2 (j) Title 28 Bulletin 1530 Oct 2019.docx
A.4.2 (k) Group Counseling Assessment Form Nov 2017.docx
A.4.2 (l) UOR Form Feb 2019.docx
A.4.2 (m) Youth Rights and Responsibilities.Nov 2017.docx

2019

Standard Operating Procedures
For
Contract Providers



Office of Juvenile Justice

SOP

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MISSION:

OJJ protects the public by providing safe and effective, individualized services to youth to become productive, law-abiding citizens.

VISION:

OJJ is a quality system of care which embraces partnerships with families, communities and stakeholders to assist youth in redirecting their lives toward responsible citizenship.

GUIDING PRINCIPLES:

Honesty	To be honest; do everything with integrity.
Achievement	To be outcome-oriented in achieving results consistent with our mission.
Versatility	To value, promote and support diversity and cultural competence.
Ethical	To be ethical; to do the right thing, both legally and morally.
Focused	To be focused on empowering people to succeed.
Accountable	To be accountable for the effective and efficient management of our resources.
Informed	To be informed and guided in our decisions by appropriate and valid data.
Team Work	To be an effective and efficient team of professionals.
Harmonious	To be inclusive – involve all parties, both External and internal, who need to be a part of the process.

HAVE FAITH: Together We Help Change Lives

SECTION 1: PHYSICAL PLANT

The Youth Services, Office of Juvenile Justice (YS/OJJ) position is that the condition and appearance of the physical surroundings where participating youth are located may influence their behavior. The provider shall ensure that all buildings used to house, feed, supervise or instruct youth are structurally sound, adequately maintained, appropriately furnished and sanitary at all times.

1.1 Compliance with State and Local Codes and Ordinances

The provider shall comply with all state and local building codes as determined by the State Fire Marshal.

The provider shall maintain documentation that the facility meets all applicable zoning laws, regulations and neighborhood restrictions.

The provider shall comply with all state and local fire safety codes and submit documentation according to the terms of the contract.

The provider shall comply with all local and state health and sanitation standards and submit documentation according to the terms of the contract.

1.2 Location of Facilities

Facilities should be located on a site conducive to the purposes and goals of the program. The design of the facility shall promote the purposes of the program and provide an environment consistent with the functions of the program.

If the program has been established or is seeking to exclusively serve youth referred by YS/OJJ, YS/OJJ reserves the right to approve the site, design and proposed floor plan for any new or relocated provider. The provider shall be asked to produce:

A. Evidence that the site location is appropriate to the population to be served, program goals, access to essential services and individual needs of the youth.

B. A description of how the facility physically harmonizes with the neighborhood where it is located, considering issues including scale, appearance, density and population.

1.3 Accessibility, General Safety & Maintenance of Buildings & Grounds

The program shall have a written plan for preventative and ongoing maintenance and safety. The record of routine inspections shall be kept on file for review by YS/OJJ. The program buildings, parking lots and other facilities shall be accessible as required by the

Americans with Disabilities Act and other federal and state laws and regulations. The provider shall ensure that all structures are maintained in good repair and are free from hazards to health and safety. The provider's grounds shall also be maintained and free from any hazard to health and safety.

Each provider shall have a designated staff member responsible for the safety program at the facility. This individual shall conduct monthly inspections of the facility to identify:

A. Fire safety

B. Existing hazards

C. Potential hazards

D. Corrective action that should be taken to address identified hazards.

1.4 Vehicles

Vehicles used to transport youth shall be mechanically sound, road worthy, in good repair and meet the Agency's requirements for insurance coverage. The interior of the vehicle shall be free of loose items, i.e. jacks, tools, crowbars, fire extinguishers, etc.

All vehicles shall display current state licenses, proof of annual motor vehicle inspections, and proof of insurance and shall be in compliance with all applicable state laws.

When in use, all vehicles shall carry a standard first aid kit and a fire extinguisher.

The program shall have a vehicle maintenance and equipment check list, which shall include a list of all critical operating systems and equipment inspections, the date of the last inspection and the type of service or action taken.

All repairs required to critical operating systems (i.e., brakes, headlights, air conditioning and heating) shall be made immediately.

All worn or missing critical equipment shall be replaced immediately (i.e., tires, jacks, seat belts). Providers are to ensure that the appropriate number of vehicles is maintained and available at all times to transport youth to and from their programs without causing disruption of program services.

1.4.1 Drivers

All designated drivers of vehicles, as well as anyone who may potentially transport youth shall possess a valid Louisiana Driver's License and proper licenses required by state law for the type of motor vehicle operated. Verification of proper license(s) and insurance is required prior to an employee being allowed to transport youth.

All operators' driving records shall be checked upon hiring and at least annually thereafter through the Office of Motor Vehicles to assess their suitability to transport youth. If the driving record is checked by the insurance agency, which reports acceptability to the provider, this is sufficient to meet the terms of this section. Verification shall be maintained in personnel files**.**

SECTION 2: STAFF AND STAFFING REQUIREMENTS

2.1 Staff Qualifications

All individuals providing services to youth under the supervision or in the custody of the Agency shall possess all licenses and/or certifications required by statute or by the Department of Children and Family Services (DCFS), Bureau of Programs, Licensing Section, the Department of Health Health Standards Section, or the program's accrediting body, as applicable.

All individuals providing services shall be qualified to do so by educational background and experience.

2.1.1 Position Descriptions and Qualification Criteria

Program Director - An individual who is responsible for the overall management of the treatment program**/**curriculum at a facility. This individual shall be directly involved in the hiring and training of facility staff and the direct supervision of treatment staff which includes providing regular staff meetings and observation of treatment staff. This individual must hold a bachelor's degree and/or advanced degree, preferably in one of the helping professions (e.g. social work, criminal justice, psychology, education, family counseling, recreational therapy, etc.).

Case Manager - An individual to whom the youth is assigned at admission who assists the youth with his/her Individualized Service Plan (ISP), assesses needs of the youth and maintains his/her case record, presents the case in staffing, communicates with appropriate individuals regarding the youth, and prepares written communications including discharge reports. With appropriate credentials, the Case Manager may also serve as the Counselor.

Individuals providing this function shall possess, at minimum, a bachelor's degree from a fully accredited college or university in the social sciences or related field.

Teacher - An individual who provides basic educational services as required by state and federal statutes. This individual shall hold a valid Louisiana Teaching Certificate in the appropriate instructional field.

Instructor - An individual who provides skill training or vocational training. The instructor's expertise may have been gained through formal education or direct experience.

This individual shall possess at a minimum, a bachelor's degree in the field of instruction, high school diploma or its equivalent with a minimum of two years of practical experience in the field.

Direct Care Worker - An individual responsible for supervising the youth's day-to-day living activities and performing such duties as preparing nutritious meals, supervising, observing activities and training youth in basic living skills, and providing some community transportation. This individual shall be at least age 20, and have a high school diploma or its equivalent, and at least two years post-high school employment experience working with youth in a treatment setting.

Recreational Specialist - An individual who develops and implements an individualized and goal-directed recreational plan for a youth.

The individual providing this function shall possess a bachelor's degree in recreational therapy, health and physical education, or a related field or have a high school diploma and two years related experience in providing recreational services to youth.

Social Worker/Counselor/Therapist - An individual responsible for the assessment of treatment needs, development and implementation of a plan for therapeutic services and the provision and monitoring of therapeutic and /or rehabilitative treatment services including individual, group, and family counseling to youth participating in a residential treatment program.

Individuals providing this function shall possess, at a minimum, a master's degree from a fully accredited college or university in a social service related field and be supervised by a licensed mental health professional.

2.2 Program Staffing Requirements

Providers must maintain, at minimum, staff ratios in accordance with federal and/or state licensing mandates to supervise youth and provide for their health, safety and well-being.

Staffing patterns should concentrate maximum case manager availability to youth when they are in the facility and should provide consistency and stability so youth know the roles of each staff member.

The staffing pattern of the provider shall concentrate staff during periods when youth are able to use provider resources including but not limited to the following:

A. After school, until bedtime (generally 3:00 p.m. until 10:00 p.m.).

B. On Saturdays, Sundays, and holidays when administrative and support staff are generally not scheduled.

C. During visiting times, leisure times when fewer than 50% of the youth are on home visits, recreational times and evenings when youth return from home visits.

The provider shall ensure that youth being transported are properly supervised.

All providers shall comply with minimum staffing standards established by the DCFS Licensing Section. Any modification of minimum staffing requirements set by the Licensing Section requires the written concurrence of the Section.

Any deviation from the established staffing criteria shall be specifically waived in writing by the Deputy Secretary or his/her designee or stated specifically in the contract with the Agency.

2.3 General Requirements for Staff Development

Staff development is an essential program component. A well planned and executed staff development program increases the competency and performance of staff and volunteers and establishes a common understanding of a program's objectives, policies and rules.

Staff development includes formal classroom instruction, on-the-job training under the direction of an instructor, staff development meetings, or conferences that include a formal agenda and instruction by qualified personnel.

This section does not preclude the appropriate use of videotapes, films, and other audio/visual methods of staff development.

All support staff who do not have direct contact with the youth shall receive 16 hours of pre-service training.

All direct care workers, teaching parents, supervisors, counselors and case managers (including all volunteers in these positions) shall receive a total of 56 hours of training during the first year of employment: 16 hours pre-service and 40 hours of in-service training. An additional 40 total hours of training is required each subsequent year.

Providers are required to participate in Agency sponsored staff development opportunities.

Training shall be documented and content shall be in accordance with a "nationally recognized accrediting body." Training for staff and volunteers shall be conducted in accordance with a written program plan for staff development and coordinated by a designated staff member at the supervisory level.

All training programs shall be presented by persons qualified by education or experience in areas in which they are conducting training. Training programs shall define requirements for completion and provide for attendance recording, a system to recognize completions, and an evaluation of the training.
Training programs shall:

A. Include professional development and skills development for all personnel and volunteers.

B. Meet the needs of each staff member according to their job classification and be pertinent to his/her individual work with youth.

C. Where available, involve the use of community resources.

D. Include in-service training in existing practices, procedures and skills necessary for working with youth.

All pre-service and in-service training for Direct Care and Treatment staff shall include at least 40 hours of annual training relevant to program and service delivery which does not include CPR/First Aid, crisis intervention or security procedures.

2.3.1 Pre-Service Orientation

Pre-service orientation for all staff, contractors and volunteers shall include, but not be limited to, the following:

A. YS/OJJ vision, mission and guiding principles

B. Program procedures and programmatic goals, including behavior management, theory and practice of interventions employed by the program

C. Job responsibilities

D. Personnel policies

E. Youth supervision

F. Report writing

G. Instruction in safety and emergency procedures including non-violent crisis intervention

H. Current certification in CPR and First Aid

I. Confidentiality issues

J. Youth Rights and Grievance Procedure

K. Disciplinary Process

L. Activity Report-UOR Operational Unit

M. Program's Standard Operating Procedures

N. Communicable diseases

O. Boundary issues

P. Prison Rape Elimination Act (PREA)

In addition to meeting the pre-service requirements listed above, individuals employed as direct child care staff who do not possess at least one year of direct child care experience shall complete a 30-day internship. During their first 30 days on the job, they

shall be under the supervision of an experienced child-care worker or direct care supervisor. They are not to be assigned sole responsibility for the supervision of youth until this phase of training is completed and shall not qualify when computing staff to youth ratio.

2.3.2 In-Service Training Requirement (Direct Care Workers, Counselors, Case Managers, Contractors and Volunteers)

Training course content shall include at least the following:

A. Principles and practices of youth care and supervision (i.e., signs and symptoms of medical and mental illness in children and adolescents)

B. Program procedures, programmatic goals (i.e., behavior management system) and the theory and interventions employed by the program

C. Youth Rights and Grievance Procedures (i.e., appeals process)

D. Disciplinary Process

E. Detecting and reporting suspected abuse and neglect

F. Reporting and documentation of critical incidents

G. Behavioral observation, adolescent psychology and child growth and development, including gender-specific issues

H. Counseling techniques (i.e., interpersonal communication, motivational interviewing, active listening)

I. Conflict Resolution (i.e., passive restraints, use of force/crisis intervention, de-escalation)

J. Significant legal issues (i.e., Children's Code)

K. Security procedures (i.e., key control, searches and contraband)

L. Socio-cultural life-style of youth (i.e., diversity, human dignity, cultural competency)

M. Implementation of ISPs

N. Instruction on documentation and communication procedures with fellow employees and YS/OJJ staff

O. Report Writing (i.e., progress notes, treatment plans, quarterly reports)

P. Emergency and safety procedures, including medical

Q. Current certification in CPR and First Aid

R. Safe administration and handling medication, including psychotropic drugs

S. Activity Report-Unusual Occurrence Report (UOR) Operational Unit

T. Program's Standard Operating Procedures

U. Universal precautions regarding injury and illness, including Communicable Diseases

V. Prison Rape Elimination Act (PREA) (annually)

2.3.3 Documentation of Training

A. Staff training records shall be kept by a designated staff person. Separate training records shall be established for each staff member

B. Contractor and volunteer shall include the following:

1. Name;
2. Assignment category (position, type of employee full-time/part-time/volunteer);
3. Employment beginning date;
4. Annual training hours required; and
5. A current chronological listing of all training completed.

C. Training programs shall be documented by the following:

1. Date and times training was conducted;
2. Topic of the training session;
3. Name and qualifications of the instructor; and
4. A roster with signatures of all participants including training subject, date, trainer(s) name, and duration of training.

2.4 Volunteers

A volunteer is any person who provides goods or services to the provider with no monetary or material gain.

Programs serving youth should solicit the involvement of volunteers to enhance and expand their services; however, the services provided by volunteers shall not replace or substitute for those activities or functions normally provided by staff.

2.4.1 Volunteer Plan

Programs that utilize volunteers regularly shall have a written plan and corresponding program policies that ensure the following:

A. Volunteer recruitment is conducted by the chief administrative officer or his/her designee. Recruitment is encouraged from all cultural and socio-economic segments of the community.

B. Volunteers shall be at least 20 years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position.

C. Volunteers shall complete an application for the position and are suited for the position to which they are assigned.

D. Volunteers shall agree in writing to abide by all program policies.

E. Volunteers who perform professional services shall be licensed or certified as required by state statute or regulation.

F. Written job descriptions are provided for each volunteer position.

G. Volunteers shall agree to background and criminal record checks prescribed by state statutes.

H. Volunteers are adequately trained and the training is documented.

I. Volunteers shall be supervised by a paid employee of the program, who shall coordinate and direct the volunteers' activities. Volunteer performance shall be evaluated periodically and evidence of this evaluation shall be made part of the volunteer's personnel record.

J. A procedure shall be established for termination of volunteers when substantial reasons for doing so exist.

2.5 Criminal Background Checks and State Central Registry Checks

All program employees, mentors, volunteers, interns, and contract providers with access to youth must undergo criminal and State Central Registry background checks.

A. The criminal background and State Central Registry checks are to be conducted prior to hiring an employee or utilizing the service of a volunteer, mentor, intern or contract provider directly rendering services to youth (i.e., counselor, social worker).

B. All employees, volunteers and contract providers are to undergo an annual rescreening which shall be maintained in each person's personnel file.

The "Criminal Record Check" form [see Attachment A.4.2 (b), LSP Form DPSSP 6696] is also available on the following internet site: http://www.lsp.org/pdf/Bureau_Authorization_Form.pdf.

In accordance with RS 46:51.2 and RS 46:1414.1 [see Attachments A.4.2 (c) and (d)], any owner, operator, prospective employee, or volunteer of a child care facility licensed by DCFS is required to complete a "State Central Registry Disclosure Form" (see Attachment (e), SCR-1 form) upon hire, annually thereafter, and at any time upon the request of OJJ, and within three (3) days of any such individual receiving notice of a valid determination of child abuse and/or neglect.

R.S. 15:587.1, Louisiana Child Protection Act [see Attachment A.4.2 (f)] requires that any person who maintains supervisory or disciplinary authority over youth shall be subject to a criminal background check. Non-residential programs shall complete a criminal background check prior to employment.

All programs providing social services to YS/OJJ shall ensure that all employees and volunteers, as required by statute, have submitted the required fingerprint cards and releases to the Department of Public Safety and Corrections/Bureau of Criminal Identification. Documentation of appropriate requests and responses shall be kept in the employee's personnel record.

Persons convicted of the following crimes shall not be employed by the child care agency: first degree and second degree murder; manslaughter; rape; aggravated, forcible or simple rape; aggravated oral sexual battery; aggravated sexual battery; oral sexual battery; sexual battery; second degree sexual battery; aggravated or simple kidnapping; criminal neglect of family; incest; criminal abandonment; carnal knowledge of a juvenile; felony carnal knowledge of a juvenile; indecent behavior with a juvenile; prostitution; soliciting to prostitution; pandering; letting premises for prostitution; enticing to prostitution; crime against nature; aggravated crime against nature; contributing to the delinquency of a juvenile; cruelty to a juvenile; child desertion; cruelty to the infirm; obscenity; operating a place of prostitution; sale of minor children; manufacture and distribution of narcotics, controlled dangerous substances or marijuana; or conviction for attempt or conspiracy to commit any of these offenses. In addition, OJJ prohibits the provider from employing anyone with felony DWI convictions into positions which require them to transport youth (trackers, mentors, drivers, etc.). If employed in other positions that do not require the employee to transport youth, this employee cannot be used at any time to fulfill the duty of a driver.

Residential Contract Providers must maintain a log of State Police Criminal Background Checks and State Central Registry checks completed as required by the DCFS Licensing Section. A copy of the completed log must be provided to OJJ annually. (See Attachment A.4.2 (g)]

2.6 Abuse Free Environment

Programs must provide an environment in which youth, staff, and others feel safe, secure, and not threatened by any form of abuse or harassment.

A. Programs shall have a written code of conduct which prohibits the use of physical abuse, profanity, threats or any form of intimidation towards youth. Youth shall not be deprived of basic needs, ex: food, clothing, shelter, medical care, and security. The Program Director or designee **shall** ensure immediate action is taken to address any incidents of physical abuse, profanity, and/or excessive force.

B. Any person who knows or has reason to believe that a youth in the program is abused, abandoned, or neglected by a parent, legal custodian or other person responsible for the youth's welfare, or that a youth is in need of supervision and care and has no parent, legal custodian or other person responsible for a youth's welfare as defined in the Louisiana Children's Code, must report this information to the DCFS/ Child Welfare Regional

Office, by completing the DCFS "Mandated Reporters of Abuse Neglect Form" (see Attachment (h), DCFS/CW Form CPI-2), and notify the OJJ regional office of such report (s) within 24 hours of discovery of such abuse/neglect. For additional information refer to Section 5.10 of this document.

If a staff member is made aware of abandonment, abuse or neglect of a youth in the program, the staff should follow the mandatory reporter requirements.

If it has been determined that a youth in OJJ custody does not have a permanent plan/guardian/parent/custodian to return to, OJJ will be in contact with DCFS regularly to determine placement after release from custody.

C. Programs must have written rules and regulations mandating zero tolerance toward all forms of sexual abuse and sexual harassment. Written policy must outline the program's approach to preventing, detecting and responding to such conduct by residents, staff, volunteers, etc. Programs shall comply and adopt the Prison Rape Elimination Act (PREA) Standards set forth by the United States Department of Justice.

D. The facility shall cooperate with the YS/OJJ PREA Coordinator and investigators during all investigations of sexual abuse and sexual harassment allegations. Where sexual abuse and sexual harassment is alleged, the Facility Director must authorize the facility staff to be available without any impediment to allow YS/OJJ, DCFS, and/or local law enforcement to conduct an investigation into the allegation. The investigation may include, but is not limited to, reviewing relevant electronic monitoring recordings, interviewing alleged victims, perpetrators and witnesses, and reviewing and collecting any physical evidence.

SECTION 3: PROGRAM

3.1 Referral Process

A. A referral packet for each youth shall be submitted to the provider for consideration. Referral packets shall contain at least a social history, Individualized Service Plan (ISP) (if applicable), Structured Assessment of Violence Risk in Youth (SAVRY) summary results, and current educational records, and the residential level determination form if the youth has been deemed to be a Level II youth. The probation officer shall contact the provider to confirm receipt of the entire packet within five (5) working days and discuss when placement can be finalized. A youth's admission into a

program shall be based on an assessment of the youth's comprehensive problems and needs and on the ability of the provider to address them.

B. A provider shall not, without just cause, prevent admission of any referred youth.

3.1.1 Admission Policy

A. Each provider shall have clearly defined written policies and procedures governing admission, including any clinical, community or legal criteria for the exclusion of certain types of youth from program participation. The policy and procedures shall include, but not be limited to, the types of information to be gathered on all applicants before admission and procedures to be followed when accepting or rejecting referrals.

B. No youth shall be refused admission due to race, ethnic origin or religion.

C. A provider shall not admit more youth than the number specified on the license or contract without prior authorization from the OJJ and the DCFS Bureau of Licensing and Certification. Written documentation from the Bureau of Licensing and Certification is required for any change in capacity. A copy of this documentation shall be forwarded to the Regional Program Specialist.

3.2 Discharge Process

A youth placed in the program by YS/OJJ shall not be released without prior authorization by YS/OJJ.

A. The program may request the discharge of a youth who has successfully completed the program. The successful completion must be evident through his/her treatment progress, including educational goals.

B. An unplanned discharge may occur when a contractor requests termination of a youth who has not yet completed the treatment program. All unplanned discharges shall be approved by YS/OJJ. The contractor shall submit a written request for staffing that explains, in detail, justification for the youth's removal from the program. If approved, the PPO/J will remove the youth from the program within 14 days. The contractor may request an unplanned discharge under the following circumstances: youth's negative behavior is unsafe/injurious to self or others, lack of treatment progress, appeal to admission, etc. At a minimum, the youth, parent, counselor, teacher, program director, and originating/supervising probation officer(s) should participate in the unplanned discharge staffing. (See SOP 3.2.2)

C. OJJ may discharge a youth from the program at any time due to the following: recommendation to return youth to the community, court order to a less or more restrictive setting, lack of treatment progress, or youth has reached maximum period of supervision/full term date, etc.

D. The program shall complete a formal discharge summary within 5 (five) working days of a youth's release/discharge. The discharge summary must provide details of the youth's progress during enrollment and recommendations for further treatment. The discharge summary must be forwarded to the Probation Officer and parent within five (5) working days of the youth's release from the program.

E. Reintegration planning begins with the initial development of an ISP and is an ongoing process throughout the youth's program. A reintegration plan shall be developed within 14 days of admission and updated on an on-going basis.

3.2.1 Planned Discharges

A. A planned discharge is a discharge following the youth's successful completion of his/her treatment program or the discharge of a youth on his/her full term date.

B. A program shall provide the supervising region and placing region (if different) a written recommendation for release at least 30 days prior to the youth's completion of the program. This recommendation shall include the following:

1. A current summary of the youth's progress;
2. A summary of the efforts to reach the youth's goals and objectives;
3. Any unresolved goals and objectives;
4. Goals and objectives for parents/aftercare workers to reinforce;
5. Recommendations for continuing service in his/her home community;
6. The prognosis; and
7. The current address of the recommended custodian.

C. YS/OJJ shall submit the official recommendation for release to the court.

D. The following procedures shall be followed at the time of discharge:

1. The program shall provide a release agreement, to include the following:

   a. The name of the person or agency to whom the youth is to be released;
   b. A statement confirming the return of personal effects;
   c. A statement of completion of any pending actions (grievances, claims for damages, lost possessions, etc.); and

d. A statement of return of provider-issued articles (sheets, pillowcases, bedspreads, towels, washcloths, etc.).

2. The program shall immediately provide to the individual or agency authorized to transport the youth, his/her medication, prescriptions and Medicaid card.

3. Within five (5) working days, the provider shall provide to the supervising Region the following:

   a. Any dental or medical records available; and
   b. All school records available from the school(s) the youth attended while in the program.

3.2.2 <u>"Unplanned" Discharges</u>

A. An "unplanned" discharge is a youth's termination prior to the completion of the planned treatment program, either at the request of the provider or on the initiative of YS/OJJ.

B. When a program believes a youth is at risk of an unplanned discharge or chooses to appeal the admission, the provider shall request a case staffing with the placing and supervising Region, if different, to determine if the identified needs/problems can be resolved.

C. A provider shall have a written policy concerning unplanned discharges. The policy shall include, at a minimum, the following provisions:

1. If the discharge is at the request of the provider, the program shall notify the Regional Program Specialist, supervising region and placing region (if different) in writing at least 14 days prior to the recommended date of removal. This request shall include, at a minimum, the following information:

   a. A current summary of the youth's progress;
   b. A summary of the youth's efforts towards achieving individual goals and objectives;
   c. Specific offense(s) and where applicable, dates and incident reports regarding the offense(s) which precipitated the request for removal; and
   d. Any unresolved goals or objectives.

2. Upon receipt of the 14 day request for removal notification, the supervising and placing regions, if different, shall schedule a staffing within fourteen (14) days with the provider and Regional Program Specialist to discuss whether the request is appropriate and determine steps to be taken to execute the discharge.

3.2.3 Emergency Discharges

A. Emergency discharge situations include, but are not limited to the following:

1. Youth participation in a major disturbance at the facility (i.e., riot or hostage situation, etc.);
2. Involvement and/or arrest of a youth for use or threatened use of a weapon against another person; and/or
3. Attempted suicides and other psychiatric emergencies.

B. Emergency discharges shall be initiated only when the health and safety of a youth or staff is endangered by the youth's continued placement at the facility.

C. Emergency discharge situations resulting in hospitalization in a private facility for psychiatric or medical care shall require prior authorization from the supervising Region.

If the emergency occurs after hours or during the weekend, the provider shall contact the Regional Duty Officer, who shall contact the region of origin and the Community Based Services Program Manager on the next business day.

D. In cases of emergency discharge, the provider shall, at a minimum, do the following:

1. Unless an urgent situation exists, the provider shall give YS/OJJ a 72- hour notice of discharge.

2. Except in cases of life threatening emergencies, emergency discharges shall take place after consulting with the supervising Region.

3. In cases of life-threatening emergencies, the Regional Manager of the supervising region or the Regional Duty Officer shall be contacted as soon as possible, but no later than 24 hours of the incident.

4. In all cases of emergency discharge, the provider shall provide a comprehensive discharge summary to the supervising region to include, at a minimum, the following:

   a. A report on progress/lack of progress on all treatment plan areas;
   b. Recommendations for follow-up; and
   c. Prognosis as determined by a qualified professional.

The report shall be forwarded to the supervising region within five (5) business days of the date of discharge.

3.3 Home Passes [see Attachment A.4.2 (i)]

A. Home passes shall be granted to allow the youth to visit with the person(s) identified as the parent/guardian at the multidisciplinary team staffing. Home passes for youth shall be considered an integral part of the youth's treatment plan. Frequency and duration of passes shall be determined by the multidisciplinary team and incorporated into the ISP. Any changes or variations shall be approved by the placing Region. Prior to granting home passes, the potential risk to public safety, benefit to youth and adequacy of home supervision shall be considered.

A youth must be in placement no less than 45 days prior to being considered for a regular home pass. Prior to granting an initial home pass to a youth, the provider shall contact the placing region to determine whether the court or YS/OJJ has placed restrictions on the youth's pass privileges. A youth's initial home pass may not exceed 48 hours.

Request for a home pass shall be submitted to the placing region no less than five (5) business days prior to the dates requested for the pass and shall include information as to:

a) Youth's current progress in the program (to include level if applicable);
b. Details regarding prior successful and/or unsuccessful home passes;
c. Details on last family session conducted;
d. Goals for the home pass;
e. Curfew and/or other conditions; and
f. Transportation arrangements.

Provider shall have a written plan to monitor youth during home passes which can include regular phone contact, curfew checks, and/or random home visits, etc.

Requests shall be approved in writing by the placing Regional Manager for home passes up to 72 hours. Home passes in excess of 72 hours must be approved by the Regional Manager, who shall then forward to the placing Regional Director for approval.

At the conclusion of each pass, the provider shall determine whether problems occurred or other significant positive or negative events transpired. This information shall be documented in the youth's case record, and reported to YS/OJJ in writing in accordance with the guidelines outlined in Section 9.3 (Incident Reporting).

B. Frequency of passes shall be determined by the provider in accordance with the program description, subject to the following:

1. No youth shall be allowed to remain on a pass for more than 168 hours (7 days) in any given calendar month, nor shall they be allowed to remain away from the facility for two (2) consecutive weeks (i.e. last week of May and first week of June).
2. To the extent possible, youth should be in compliance with the behavioral treatment program to be eligible for a home pass (i.e., level system).
3. The length of the pass should be based on the needs of the youth rather than those of provider staff.
4. Under no circumstances shall a home pass interfere with the educational process.

C. **All** other special passes (i.e., funerals, extra passes due to weather conditions, etc.) shall be approved by the Regional Manager, or his/her designee, of the placing region.

3.4 Temporary Closure of Facility

Programs providing services to YS/OJJ are expected to provide these services on a continuous basis consistent with the terms of the contract.

Without prior approval of YS/OJJ, a provider cannot be closed by assigning all youth on home pass.

The only situation not requiring prior approval for temporary closure shall be a natural disaster, fire, flood or other emergency situation in which the provider may be closed temporarily, at the discretion of the provider, to ensure safety and well-being of the residents.

Payment may be withheld if a program cannot provide YS/OJJ with satisfactory justification describing the nature of the emergency or potential hazard to residents, which precipitated the closing of the facility.

Once the safety of the youth is assured, the provider shall immediately notify the supervising Regional Manager or Regional Duty Officer. Notification shall include the physical location of each youth assigned to the program.

3.4.1 Evacuation

The provider shall submit the facility's evacuation plan to the supervising Regional Manager and the assigned Regional Program Specialist no later than May 15th of each year.

3.5 Travel

The following guidelines shall be adhered to for in-state and out-of-state travel:

3.5.1 In-State Overnight Travel

A. Planned overnight outings, within the state, shall be approved by the Regional Manager of the supervising region.

B. The program's administrator or his/her designee shall notify the Regional Manager of the supervising region of the following:

1. The date(s) of the outing;
2. Location of overnight accommodations (address and telephone number);
3. Scheduled location of outing;
4. The number of youth involved; and
5. The number of staff providing supervision as well as their names and positions.

C. Notice to the supervising Regional Manager shall occur at least seven (7) days prior to the scheduled outing. The seven (7) day notice may be either verbal or written. Written documentation of a verbal notice shall be provided to the Regional Office at least three (3) days prior to the outing.

D. Travel for non-custody youth requires parental consent only unless otherwise required by the court of jurisdiction and/or the La. R.S. 15:542 (State Sex Offender & Child Predator Registry/Notification).

E. Any unusual occurrences during the outing shall be reported to the supervising Regional Office in the manner outlined in Section 9.3 (Incident Reporting).

3.5.2 Out-of-State Travel – Youth in Custody

Authorization for out-of-state travel for youth in the custody of YS/OJJ must have written approval of the Regional Director and the court of jurisdiction. Proper notification under the provisions of the La. R.S.15:542 (State Sex Offender & Child Predator Registry/Notification) must be made where appropriate. Below is the procedure to follow:

A. The provider notifies the supervising region in writing at least 30 days prior to the scheduled outing. The following information shall be included:

1. The dates of the scheduled trip;
2. The destination of the trip;
3. The transportation arrangements;

4. The address and phone number of overnight accommodations; and
5. The staff, by name and position, and youth.

B. Supervising Region:

1. Shall notify the placing region of the proposed travel.
2. Shall obtain youths' signature on the "Interstate Compact Out-of-State Travel Permit and Agreement to Return" form and maintain forms in the youths' file.
3. Shall contact the Regional Director or his/her designee for authorization for out-of-state travel after court approval is obtained. The court permission, parent permission and the Interstate Compact for Juveniles (ICJ) documents must be provided a minimum of seven (7) days, excluding weekends, prior to the travel date.
4. Shall notify provider of final decision.

C. Placing Region:

1. Obtains court approval after notification;
2. Obtains written approval from the youth's parent/guardian; and
3. Advises supervising region when court approval is obtained.

Any unusual occurrences during the outing shall be reported to the supervising Regional Office in the manner outlined in Section 9.3 (Incident Reporting).

3.5.3 Out-of-State Travel – Non Custody Youth

Travel for non-custody youth requires parental consent only unless otherwise required by the court of jurisdiction and/or the La. R.S. 15:542 (State Sex Offender & Child Predator Registry/Notification). The provider, however, shall notify the supervising region of the youth's name and date(s) of travel.

3.6 Recreation

A provider shall have a written recreation plan consisting of a minimum of one (1) hour of structured recreation services daily, which shall not include television. Activities shall be determined by the individual needs, interests, and levels of functioning of the youth served.

The recreational program shall include both indoor and outdoor activities. Activities must minimize television and make use of a full array of table games and other activities that encourage both solitary entertainment and small group interaction. A comfortable furnished area should be designated inside the facility for leisure activities.

The provider shall have an adequate number of qualified recreational staff to ensure effective organization and supervision of all recreational activities. It is the provider's responsibility to arrange transportation and maintain adequate supervision. Utilization of community recreational resources shall be maximized.

Any costs associated with recreational activities shall be the responsibility of the provider. No youth shall be required to pay to participate in recreational activities. Participation in recreation shall be documented and maintained in the youth's case file.

3.7 Employment

The provider shall maintain written policy and procedures that ensure YS/OJJ resources and staff time are devoted to assist employable youth in locating employment, when appropriate. Employment shall not interfere with the education or treatment program as identified in the ISP.

Staff shall ensure that youth are employed only in settings that meet all legal and regulatory requirements. The provider shall periodically visit the job-site to verify the youth is working under acceptable conditions. The provider shall regularly consult the employer concerning the youth's performance.
Every reasonable effort shall be made to select employment opportunities that are consistent with the youth's age and interests. Preference will be given to jobs that are related to prior training or work experience which may be suitable for continuing post-release employment. Reasonable effort shall be made to provide youth with the highest paying job possible. Utilization of community and state job training and employment resources shall be maximized. Earned income by a youth in a residential setting/facility shall be managed in accordance with the provisions of SOP 3.12.1.

Incremental progress toward this treatment goal shall be recorded in the ISP monthly.

3.8 Education

Provider shall ensure that each youth has access to appropriate educational and vocational services that are consistent with the youth's abilities and needs, taking into account age, level of functioning, and any educational requirements specified by law.

A. All youth of mandatory school age shall be enrolled in a school system or in a program approved by the Louisiana Department of Education. Any program that provides education on the grounds of the facility through a cooperative agreement with the local education agency or by virtue of an approved alternative school status shall ensure provision of all educational services by teachers certified by subject/grade as defined by the

   Department of Education. **Regardless of the status of the school system utilized by the facility, every effort shall be made to ensure youth in the program are afforded the opportunity to take all state-mandated standardized testing.**

B. The program shall provide structured educational activities for youth pending their enrollment in an appropriate educational/vocational setting.

It is the provider's responsibility to facilitate referral to the School Building Level Committee (SBLC) when a youth is not making progress in the regular educational setting.

The program shall ensure that the special education needs of youth assigned to its care are addressed through the youth's Individual Education Plan (IEP) as required by state and federal regulation (see Attachment (j), Title 28, Bulletin 1530).

C. The program shall maintain cooperative relationships with local school systems, colleges/universities, and trade schools for the purpose of developing and maintaining suitable programs for youth.

D. All eligible youth shall be given the opportunity to participate in a program of instruction leading to a traditional high school diploma or GED.

E. All youth who have obtained a high school diploma or GED and who desire to be enrolled in ACT preparation shall be given the opportunity to enroll and complete ACT testing.

F. All youth who have obtained a high school diploma or GED and desire vocational education shall be given the opportunity to participate in a vocational program.

G. All youth who have obtained a high school diploma or GED and have taken the ACT shall be given the opportunity to enroll in a college/university. Incremental progress toward this treatment goal shall be recorded in the ISP monthly.

3.9 Religion

Written policy and procedure shall ensure that attendance at religious services is voluntary. No youth shall be required to attend religious services.

A. All youth shall be provided the opportunity to voluntarily practice their respective religion.

B. Youth should be permitted to attend religious services of their choice in the community.

C. The provider shall arrange transportation and maintain adequate supervision for youth who take part in religious activities in the community.

D. If the youth cannot attend religious services in the community because staff has reason to believe he/she would attempt to flee, the provider shall make every effort to ensure that he/she has the opportunity to participate in religious services on-site.

E. Youth should be permitted to receive visits from official representatives of their respective faiths.

F. When the youth is a minor, the provider shall determine the wishes of the legally responsible person with regard to religious observances and shall make every effort to ensure these preferences are accommodated.

3.10 Behavior Management

Each provider shall have comprehensive written policies and procedures regarding a best practice or evidence-based behavior management program, which shall be explained to all youth, families and staff. These policies shall include positive responses for appropriate behavior, a provision for notice to the youth being disciplined, a mechanism for a fair and impartial hearing by a disciplinary committee and a process for appeal. The Behavior Management Plan is subject to modifications and approval by OJJ.

A. The program must use a behavior management system that provides rewards and consequences to encourage youth to achieve programmatic expectations. Providers must integrate the following elements within their behavior management systems:

1. Rewards and consequences are fair and directly relate to the target behavior(s).

   Rewards should include a range of token, tangible, and social rewards and can include earning privileges, certificates of completion, praise, points/tokens, etc.

   Consequences should be used to extinguish anti-social behavior and to promote behavioral change in the future by showing youth that behavior has consequences. Appropriate punishers include extra chores, time-out, response cost (e.g. loss of privileges, points, levels, extra homework, etc.)

   Consequences and rewards should be consistently applied. Rewards should be positive reinforcement for appropriate behavior.

2. Application of rewards outnumber consequences by a ratio of at least 4:1 (ex: there should be 4 rewards for every 1 consequence).

3. Facility restriction (no home pass, no outings) should never be used as a consequence, unless absolutely necessary and the Regional Program Specialist and Regional Manager have been notified.

Facility restriction should not exceed five (5) consecutive days without formal discharge from the program or authorization from OJJ.

4. Youth should never have control over the discipline of other youth.
5. If “time-out” is used, it should be therapeutic and not interrupt the educational goals of the youth. All “time-out” incidents must be properly recorded in the youth’s case file to include reason, location, length and monitoring of “time-out” incidents. For any youth experiencing an excessive number of “time-out” incidents (ex: more than two (2) per day or three (3) per week), the Program Director or his/her designee shall notify the youth’s parent, Probation Officer and Counselor.

Providers shall make every effort to resolve behavioral problems with the least amount of formal disciplinary activity possible.

3.10.1 Characteristics of the Formal Disciplinary Process

Providers are required to have a formal disciplinary procedure written in clear and plain language which provides: notice of the rules, penalties and process; notice to youth being disciplined; notice of the possibility of restitution; a mechanism for a fair and impartial hearing by a disciplinary committee; and a process for appeal. Restitution must be included for a particular rule violation to be used as a penalty. Youth shall receive training in the disciplinary process at orientation.

Prior to initiating a report or disciplinary action, careful attention must be given to the program rules to determine the seriousness of the behavior and the appropriate type of discipline. Discipline shall not compromise the safety and well-being of the youth. Disciplinary procedures must be carried out promptly and parents should be notified of infractions timely.

A. Staff shall make every effort to manage the behavior of youth by using positive reinforcement, setting clear expectations, and providing appropriate incentives.
B. Discipline shall be administered in a way that creates a learning experience for the youth.
C. Discipline is not to be administered in a way that degrades or humiliates a youth.
D. No youth shall supervise or carry out disciplinary actions over another youth.
E. Providers are prohibited from using the following actions as disciplinary penalties:

    1. Corporal punishment of any kind

2. Physical exercise or repeated physical motions
3. Denial of meals/fluids
4. Denial of services
    a. Education
    b. Vocational services and employment
    c. Medical services
    d. Communication with family, probation officer, or legal counsel
5. Extra work detail

3.10.2 Restitution

YS/OJJ policy holds youth responsible for the financial consequences of their actions by authorizing restitution as part of the disciplinary process.

A. Basis for Restitution

1. Actual cost restitution may be ordered as part of the disciplinary process when a youth has willfully damaged or destroyed property, or when an incident results in outside medical care for staff or youth.
2. All youth shall be afforded an administrative hearing in accordance with the disciplinary procedures of the provider and standards set forth in this document if restitution is to be considered. The facts shall be documented by staff and a hearing shall be conducted with the multidisciplinary team.

B. Collection of Restitution

1. Funds for restitution may be withdrawn from the youth's personal funds, not to exceed one-half the total in the account. The youth's personal needs allowance can be used to pay restitution only with the youth's agreement. If the youth does not agree, and has no other funds available or insufficient funds, a plan shall be developed by the provider to assist the youth with restitution. In no instance shall a provider withdraw **all** funds in a youth's account to satisfy a restitution claim.
2. A summary of restitution activity shall be included in the quarterly report.

3.10.3 Appeal of Disciplinary Penalties

Each provider's formal disciplinary procedures shall include a procedure for an appeal, or review, of the decision of the disciplinary committee by an individual or body who is not involved in the disciplinary action which the youth is appealing. Imposition of the consequence can be delayed at the discretion of the disciplinary committee. At

orientation and at the time of any disciplinary action, the provider shall explain to the youth how to use the appeal process. This process shall be submitted to the Regional Program Specialist for approval.

3.11 Youth Records

The provider maintains confidential records on youth that include medical, mental health, substance abuse, educational, pre-vocational, vocational, social and life skills, behavior management, and other pertinent information involving the youth and his/her treatment at the facility.

A. Below are additional criteria for the maintaining of youth's case files.

1. Youth records shall be kept confidential in locked areas and shall be directly supervised and controlled by an authorized staff member.
2. Youth records must include the following information:
   - SAVRY social history and summary
   - Criminal history
   - Psychological/psychiatric evaluation, if available
   - Educational records, IEP if applicable
   - ISP
   - Progress notes corresponding to history of problems and assessment results
   - Progress Reports for specialized services provided by other agencies or professionals, including subcontractors (addictive disorders clinic, sexual behavior problem treatment, etc.)
   - Vital statistics (birth certificate, social security card and immunization record)
3. Youth records are organized consistently so that information is readily available to appropriate OJJ staff.

3.11.1 Confidentiality

Confidentiality of records is of utmost importance.

At a minimum, the provider shall adhere to the following procedures:

A. All youth records shall be stamped "confidential" on the cover or outside folder.

B. Youth records shall be kept in locked areas and shall be directly supervised and controlled by an authorized staff member.

C. Automated records shall include a procedure to ensure confidentiality.

D. The provider shall have written policy and procedures to address the confidentiality of youth records.

1. Written policy shall specify what information shall be available to the youth and/or to the youth's parent/guardian, and/or employer, particularly in the following instances: if the youth's mental and/or social adjustment might be negatively affected; if a co-defendant is involved; if a confidential youth record is included; or if informants are named in the record.
2. Written procedures shall specify who shall supervise the maintenance of the records, who shall have custody of records, and to whom records may be released.

3.11.2 Access

A. Access to confidential youth files (e.g., medical, therapy, education, etc.) shall be limited to the following authorized persons:

1. Staff authorized by the provider and members of the administrative staff of the provider's parent agency;
2. A parent/guardian for youth under age 18 or the youth if he/she is age 18 or over;
3. Appropriate staff of YS/OJJ;
4. Counsel for the youth with signed consent form;
5. Judges, prosecutors, and law enforcement officers, when essential for official business;
6. Individuals and agencies approved by YS/OJJ to conduct research and evaluation or statistical studies;
7. State licensing reviewers;
8. Social service agencies; and
9. Official auditing authorities (e.g., PREA auditors)

B. If YS/OJJ believes that information contained in the record would be damaging to the youth's treatment/rehabilitation, the damaging information may be withheld from the youth and/or his/her parent(s) or others except under court order.

3.11.3 Youth Images

A. Youth in YS/OJJ custody or under its supervision shall not be utilized to or be allowed to participate in fund raising benefitting the contract provider. Using photographs or audio/video recordings for fund raising is also prohibited.

B. Written policy and procedure shall specify instances under which information concerning a youth shall be released. This policy shall include, but not be limited to, release of photographs to law enforcement, media,

third party agencies (local probation departments, community service providers, and other state agencies, etc.) or for inclusion in provider newsletters or publications.

Release of photographs to the media is prohibited unless a consent form signed by the parent.

C. Permission to release or use the photographs of youth in the custody of YS/OJJ shall require written authorization from the Deputy Secretary or his/her designee. For youth under the supervision of YS/OJJ, the provider shall obtain signed authorization from the youth and his/her parent or guardian on an appropriate release waiver.

3.11.4 Release Forms

A. The youth and legal authority (parent/guardian or Probation Officer) shall sign a "Release of Information Consent Form" before information is released.

B. The "Release of Information Consent Form" shall include the following:

1. Name of person, agency or organization requesting information;
2. Name of person, agency or organization releasing information;
3. The specific information to be disclosed;
4. Date consent form is signed;
5. Signature of the youth and the legal guardian parent/guardian if the youth is under 18 years of age;
6. Signature of the person witnessing the youth's signature; and
7. An expiration date giving consent to release the information.

C. A copy of the consent form shall be maintained in the youth's record.

D. No documents provided by YS/OJJ shall be reproduced or distributed without YS/OJJ written permission.

3.11.5 Retention of Youth Records

Providers shall have a written policy on the retention and disposal of youth records which requires records to be kept for a minimum of the end of the fiscal year in which the youth leaves the custody/supervision of Youth Services, plus six (6) years, in accordance with YS Policy No. A.1.9.

If the youth is a sex offender required to register, the record shall be kept six (6) years after the end of the fiscal year in which the youth leaves Youth Services custody/supervision or for the youth's lifetime, whichever is longer.

3.12 Personal Funds

Provider shall be required to deposit all personal funds collected for the youth in a public banking institution's non-interest bearing account specifically designated "Youth Personal Funds" and to maintain a ledger showing the status of each youth's account.

If a youth's personal funds exceed $250.00, the provider shall open an individual interest-bearing account in the name of the youth.
All withdrawals by a youth or expenditures made on behalf of a youth shall be documented by a withdrawal request, signed and dated by the youth.

A provider may limit the amount of a withdrawal if possession of excessive amounts of money creates a security problem within the program or with the behavior management plan.

Restriction of access to earned income shall require the approval of the multidisciplinary team.

3.12.1 Reporting Requirements

A report shall be filed with YS/OJJ by July 15 for the year ending June 30 showing a list of all youth account balances, date of admission and, if appropriate, the date of discharge. This includes all residents who were in the program at any time during the preceding year. The personal fund account is subject to review or audit by YS/OJJ or its representatives at any time. Any discrepancies in youth accounts shall be resolved within 14 days of notification.

3.12.2 Transfer of Personal Funds

When a youth is discharged from the program, the balance of his/her account minus any funds due the provider shall be given or mailed to him/her within seven (7) working days, regardless of the reasons for discharge.

If the youth is to be reassigned to another program, a check made in the name of the youth shall be forwarded to the new program within seven (7) working days.

The provider shall document efforts made, including contact with YS/OJJ, in attempting to locate a youth for transfer of funds. When a youth cannot be located, funds held on his/her behalf are considered abandoned after 90 days and shall be remitted to YS/OJJ. The refund check shall be accompanied by the youth's name, and case number.

3.12.3 Claims Against a Youth's Account

A provider shall not require youth to pay for services and supplies which are to be provided by the facility (i.e., toiletries, linens, laundry service, drug screens, routine supplies and lunch money).

The provider shall not access the youth's account for damages without conducting an investigation into allegations against the youth which merit restitution to the facility and then holding a hearing per disciplinary procedure requirements, allowing for the youth to file an appeal on the findings. The appeal shall be reviewed and a final decision made and the youth shall be provided the results, in writing. If restitution is paid, the youth shall be told how much and how often the money shall be taken out of the youth's account.

3.12.4 Earned Income

The provider is responsible for accounting of income earned by the youth.

The provider shall establish a written plan for the youth to save at least 20% of his/her net earnings. The plan shall specify the purpose for which funds saved shall be used at program completion (i.e., deposits on utilities and housing, purchase of tools necessary for training or employment.)

3.13 Food Service

Programs required to provide meals shall serve a varied and nutritionally adequate diet with menus approved annually by a qualified nutritionist, physician or dietician, to ensure that nationally recommended allowances for basic nutrition are met. Youth with special nutritional needs for medical or religious purposes shall be provided a specialized diet.

The program shall accommodate YS/OJJ Food Services Director during routine inspections of food service facilities and review of menus.

3.14 Transportation

It shall be the responsibility of the program to provide all transportation associated with the youth’s ISP. It is YS/OJJ responsibility to assure the youth’s appearance at all court proceedings and to arrange transportation as indicated.

The provider shall be responsible for transportation to and from the facility for passes earned under the program’s behavior management system and those offered in accordance with the youth’s ISP.

A. Arrangements for transportation and care shall be made between the provider and placing region immediately upon receiving written notification requesting the youth’s appearance at a court hearing.

B. The facility shall have an adequate number of vehicles to move the entire population at any given time.

3.15 Clothing

Youth shall have sufficient clothing appropriate to participate in activities included in their ISP. Prior to placement, an inventory of all the youth’s clothing shall be completed by the placing Region and given to the provider.

Youth should arrive at the provider with their own clothing. If the youth does not have sufficient clothing, the program director or his/her designee shall contact the placing Region for authorization to make an initial clothing purchase.

Replacement clothing shall be purchased at the expense of the provider. Clothing left behind when a youth runs away from a facility shall be immediately secured, inventoried and delivered to the supervising region upon discharge.

3.16 Reimbursable Program-Related Expenses

YS/OJJ shall reimburse the provider for certain program-related expenses, according to the following terms:

A. The item or service must be provided to promote the health, well-being, and/or treatment goals of the youth.

B. The item or service is not available, nor fundable through any other source, including the youth's family.

C. The cost of the item or service is not specifically funded by the per diem paid to the provider, nor uses the cost of other items or services submitted by the provider for the purpose of any part of a per diem rate.

D. The provider gets prior approval from the Deputy Secretary or his/her designee to make the expenditure.

3.16.1 Examples of Reimbursable Expenses

In certain emergency or unusual circumstances a youth may need an item or service not included in the per diem rate.

Each item or service submitted for reimbursement shall be reviewed on a case-by-case basis. Examples of reimbursable expenses include the following:

A. Clothing Purchases - A basic wardrobe shall be provided to any youth placed in the custody of YS/OJJ when the youth has insufficient clothing and no means to provide for clothing. Requests for initial clothing purchases shall include a clearly documented need and shall be submitted to YS/OJJ within the first 15 days of placement.

   The initial clothing purchase shall be limited to a maximum of $350.00 per youth and shall constitute a one-time expenditure.

   The program shall provide for other basic clothing needs to include seasonal garments and replacement of outgrown/worn clothing.

B. Medication Not Covered By Medicaid - YS/OJJ shall reimburse the provider for medications and/or health care items/services based on the following criteria:

1. The item or service is prescribed by a physician, or other health care professional licensed to provide such services.
2. The item or service is directly related to the health and well-being of the youth.
3. The item or service is denied reimbursement by Medicaid
4. The item or service is directly related to the treatment of an existing condition.

C. School Expenses - YS/OJJ shall reimburse the provider for certain expenses directly related to educational or vocational services. Reimbursement shall not include the routine purchase of school supplies, paper, pencils, pens, notebooks, workbooks, lunch fees, etc.

Program-related expense reimbursement for educational and vocational expenses shall be limited to those items <u>not included in the per diem rate and</u> may include expenses such as the following:

1. Tuition for approved course work, vocational education or required summer school; and
2. Tools, textbooks, supplies and special clothing required by vocational courses.

For reimbursement of vocational or post-secondary educational expenses, the provider shall submit documentation that the student has applied for and been denied financial assistance from state and federal programs or vocational assistance.

D. Reimbursement for Mileage - The cost of transportation that is necessary due to <u>extraordinary</u> or <u>extenuating</u> circumstances that arise during the course of a youth's treatment program may be borne by YS/OJJ under the following circumstances:

1. Transportation of the youth is not part of the routine services provided by the program for which it is reimbursed in the per diem rate; and
2. The transportation required is to meet a specific unplanned or extraordinary need of the youth.

E. One-on-One Staffing - When extraordinary circumstances require one-on-one supervision of a youth, the additional costs of such an arrangement shall be requested by a provider and negotiated on a case-by-case basis. The request shall include the hourly rate of pay and the title and name of the person(s) providing the supervision. Requests are handled by the supervising region. One-on-one staffing may only be considered in crisis situations to address the safety of the youth and other residents.

One-on-one staffing is strictly short term (three (3) to five (5) days). Extensions beyond five (5) days require written justification and authorization by YS/OJJ.

All invoices with required documentation shall be provided to the supervising region within seven (7) working days of the one-on-one staffing incident.

SECTION 4: TREATMENT/LAMOD

Minimum treatment standards established herein shall apply to all services provided by the program. Any waiver or variation from the standards stated in this section shall be specified in the contract with YS/OJJ.

LOUISIANA MODEL **(LAMOD)** is an integral part of the Juvenile Justice Reform Movement. LAMOD was designed by the Office of Juvenile Justice (OJJ) with assistance from the Missouri Youth Services Institute (MYSI) and the Casey Strategic Consulting Group (CSCG). LAMOD provides a therapeutic environment that focuses on youth and staff interacting in small groups, involving family, and fostering positive peer culture. LAMOD prepares youth for re-entry into the community as productive citizens. All current residential facilities have been trained and shall implement LAMOD.

4.1 Individualized Service Plan

A. The provider shall develop a written ISP designed to enhance the growth and development of each youth assigned to its care. The plan shall address the youth's individual educational, vocational, medical, personal, behavioral, placement and chemical dependency needs. Goals must be clear, concise, attainable, measureable, and individualized. This plan shall be developed by the provider in collaboration with the multidisciplinary team, utilizing all available resources including, but not limited to the following:

1. OJJ ISP;
2. Psychological evaluation/Psychiatric evaluation, if available;
3. Structured Assessment of Violence Risk in Youth (SAVRY) Summary Results;
4. Educational Records; and
5. Social History.

B. The plan shall be completed within 14 days of admission and a written copy shall be submitted to the supervising region, the placing region if different, and the youth and youth's parents within seven (7) days of completion. The treatment plan shall include:

1. Anticipated program completion date;

2. Individualized goals and objectives to be achieved while in the program with anticipated completion dates; and
3. Reintegration Plan – plans to support and resources to be provided to the youth to continue to meet treatment goals in the community; these may include action steps to be taken by OJJ, the program, and the parent/guardian.

The ISP shall be reviewed monthly and updated by the multidisciplinary team at least quarterly. Progress or lack thereof shall be noted in the youth's record.

4.2 Assessments and Reassessments

Staff must review all assessment instruments provided to the program for placement in education and treatment services. Providers are to ensure receipt of the SAVRY Summary Results at intake and reassessments at minimum, every six (6) months.

4.2.1 Reintegration Plan

A. The reintegration component of the plan shall be completed within 14 days of admission and submitted to the supervising region, the placing region if different, and the youth and youth's parents within seven (7) days, and shall include the following:

1. Continued medication/mental health needs
2. Vocational/educational goals
3. Continued coordinated and integrated service delivery.

The reintegration plan shall be reviewed monthly and updated in conjunction with the ISP.

4.3 Counseling

Counseling/therapy may take place in-house and/or through community resources, but must be provided as per contract requirements by a qualified counselor/social worker/therapist. If a specialized counseling service is not a contract requirement, community resources shall be utilized to satisfy a youth's need for counseling.

Group treatment should be provided utilizing a cognitive-behavioral, social learning model and have the ability to separate treatment groups by risk level. Group size should not exceed eight (8) to ten (10) per facilitator. The program should have the ability to provide individual counseling and family training on an as-needed basis.

For the purpose of this section, all counseling/therapy services provided to a youth, whether individual, group or family, must include the following elements:

A. Counseling/therapy should be planned, goal-directed, and focused on changing criminogenic behavior (conflict resolution, anger management, substance abuse, anti-social peer associations, problem solving, victim awareness, and deviant sexual arousal, etc.).

B. The methods and techniques applied in counseling and the frequency and intensity of the sessions should be determined by assessment and noted in the ISP. Frequency or "dosage" of treatment should be clearly matched to the youth's level of risk and need measured by a standardized and objective instrument, such as the SAVRY provided by OJJ. Recent research indicates that the following guidelines can be useful to determine "dosage" of treatment: for "Moderate" risk youth with few needs (three or fewer) 100 hours is sufficient to reduce recidivism; for youth either "High" risk or multiple needs, but not both, 200 hours are required to significantly reduce recidivism; and "High" risk youth with multiple needs (more than three) should receive well over 300 hours of direct service delivery. The hours spent in treatment should be cognitive behavioral, and would not include time spent in other activities.

C. Counseling/therapy should utilize evidence based program/curriculum. The curriculum manual should outline the following items: therapeutic approach, goals and content of treatment sessions, recommended facilitation methods, and activities/homework assignments. Treatment curricula and strategies shall be delivered as designed.

D. The minimum standard for the frequency of counseling/therapy services shall be specified in the contract with YS/OJJ and shall be based on the identified needs of the youth.

E. Incremental progress towards treatment goals shall be recorded in the ISP on a monthly basis.

4.3.1 <u>Individual Counseling/Therapy</u>

Individual counseling/therapy shall be conducted by a qualified counselor/social worker/therapist under supervision of a licensed mental health professional.

Individual counseling/therapy shall be an ongoing component of the youth's ISP. Each youth shall be assigned an individual who shall be responsible for providing the counseling/therapy.

Individual counseling/therapy shall be utilized in support of curriculum based group therapy, goals/behaviors identified in the youth's ISP and crisis intervention.

In order to be considered individual counseling/therapy, sessions shall be a minimum of 30 minutes and shall be conducted by a qualified counselor/social worker/therapist under the supervision of a licensed mental health professional. Individual counseling/therapy

services shall be provided to each youth in accordance with their level of risk and need identified through assessments. All sessions shall be conducted by the youth's counselor/therapist.

Each individual counseling/therapy session shall be documented on the Progress Notes form using an accepted format and shall document beginning and ending time, date, goal addressed, and signature of individual providing the service.
Adequate space shall be provided for conducting private interviews and counseling/therapy.

4.3.2 Group Counseling [see Attachment A.4.2 (k)]

Group counseling/therapy shall be conducted by a trained and qualified facilitator.

Group counseling shall be an ongoing component of the youth's ISP and aligned with the identified needs of each youth.

Group interventions targeted to specific issues shall use a curriculum-based, best practices model. The most effective interventions are cognitive behavioral within a social learning environment.

Organized staff development in the specific model of intervention shall be included in the facility's staff orientation plan for staff providing the intervention.

Group counseling sessions are to be a minimum of one (1) hour in duration. Group notes shall be individualized and state information relevant to the content, behavior, progress for each youth, rather than a general summary of the group. A separate group note shall be written for each participant and shall include only the name of the individual being discussed. Notes shall include beginning and ending time, date, and signature of facilitator.

4.3.3 Treatment Groups

Treatment groups are designed to provide youth with the opportunity to acquire skills that foster healthy decision making and effective critical thinking.

As outlined in YS/OJJ contracts, residential programs shall provide:

A. Social and other Soft Skills

1. Anger management
2. Conflict resolution
3. Refusal skills
4. Interactions with authority figures
5. Negotiation/compromising skills

B. Gender Specific Group/Education

These groups may be provided by trained and qualified staff under supervision of the master's level mental health professional.
The purpose of this group is to address the risk factors that predispose youth to delinquency and maladaptive behaviors. The group focus is on education and support, and deals with such issues as relationships, intimacy, self-esteem relative to gender, sexuality, identity, trauma, substance abuse education, moral development, parenting, etc.

C. Independent Living Skills Training

A contractor shall have a program to teach all youth independent living skills consistent with their needs. This program shall include, at a minimum, instruction in:

1. Appropriate social skills
2. Hygiene and grooming skills
3. Laundry and maintenance of clothing
4. Housekeeping
5. Use of recreation and leisure time
6. Use of community resources
7. Money management

When appropriate, the program shall also include instruction in:

1. Use of transportation
2. Budgeting
3. Shopping
4. Cooking
5. Punctuality, attendance, and other employment-related matters
6. Vocational planning

Incremental progress toward this treatment goal shall be recorded in the ISP monthly.

D. Parenting/Early Childhood Development

These groups shall be conducted by an individual with demonstrated instruction and/or experience in prenatal care and early childhood development.

The purpose of this group is to educate youth in the importance of prenatal nutrition and healthcare, proper care for children in the early stages of development, and various parenting skills, including discipline techniques and strategies to cope with the responsibility of parenthood.

4.3.4 Family Counseling/Training

The purpose of the family education/parenting skills program is to train parents/guardians to use effective interventions to increase acceptable behavior and decrease problem behavior, show parents/guardians how to manage stressful situations and teach their children skills to manage themselves in such situations, and to provide parents/guardians with ways to open lines of communication within the family and encourage constructive use of leisure time.

Family training shall be provided by any staff member trained and qualified to provide this service.

Family counselors shall have documented instruction and experience in family counseling.

Family counseling/therapy shall be conducted by an individual with, at minimum, a master's degree in a mental health field and documented instruction and experience in family counseling, who is supervised by a licensed mental health professional.

Family counseling services shall be an integral part of the youth's ISRP and shall be provided to all youth who shall return home upon release. Family counseling shall specifically address issues that directly or indirectly resulted in the youth's removal from his/her home and the issue of his/her eventual reintegration into the community.

Family counseling shall be made available to families of youth with clinically identified child-parent relational issues, unless a licensed mental health professional has identified and documented in the client record that such intervention would be detrimental, at the time, to the youth's mental health. A statement of goals to be achieved or worked towards by the youth and his/her family shall be part of the ISP.

Family counseling may include private family counseling sessions and/or family group sessions. These sessions shall be made in person whenever possible, but the facility shall also utilize telephone conference sessions if distance makes face-to-face sessions unachievable. Family sessions shall be conducted as needed in accordance with the ISP.

Each family counseling session shall be documented in session notes using an accepted format (DAGP) and shall document beginning and ending time, date, goal addressed, and signature of the individual providing the service.

4.4 Specialized Services for Youth with Severe Emotional Disturbance

Providers shall have written plans for providing specialized services to youth enrolled in their programs, including procedures for staff to follow and proper notification of the program director, parent/guardian, and probation & parole officer.

4.4.1 Psychiatric Services

Psychiatric services shall include evaluation, medication management, and consultation with program staff in the overall treatment/management of the youth's mental illness.

The psychiatrist providing the services shall be a licensed board-eligible child/adolescent psychiatrist or a licensed board-eligible adult psychiatrist with at least three years of experience in providing services to children/adolescents.

Psychiatric services shall be provided when indicated, based on the acuity level of the youth, but no less frequently than once per month.

4.4.2 Crisis Intervention

The facility shall have a written plan for the provision of crisis evaluation and intervention services on a 24-hour basis. When the plan includes service provision by an outside agency or individual, there shall be a written contract or cooperative agreement with the outside party.

4.4.3 Family Education/Counseling

Family education regarding mental illness signs and symptoms, behavior management, and medication compliance shall be made available to families of youth with severe emotional disorders.

Family education shall be provided by an individual with a master's degree in a mental health field or any staff member who has documented training in the above.

Youth with Special Needs/Learning Disabilities/ADHD

Accommodations shall be provided as needed to all youth with mental or learning disabilities to adequately understand and participate in any services/programs provided by the facility.

4.5 Reporting Treatment Progress

Beginning with the date of admission, the provider shall complete, in writing, a Quarterly Progress Report on each youth.

A. The quarterly report shall document the youth's progress toward meeting the goals and objectives set forth in the ISP. Quarterly reports should focus on areas of positive change in behavior, participation level, and skill acquisition, as well as on the factors required for successful program completion. Progress in treatment provided by outside providers shall also be included in the report.

The quarterly report shall also include, at a minimum:

1. The youth's medical condition, any medical treatment and/or medications prescribed;
2. The youth's current grades (if applicable, attach copy of current report card);
3. Any unusual occurrence reports involving the youth;
4. The dates of any home visits during the reporting period and documentation of any problems reported;
5. The dates of family counseling sessions and documentation of parental participation;
6. Summary of restitution activity, if applicable; and
7. Reintegration Plan update including follow-up services.

B. Copies of the ISP and quarterly report shall be distributed, by the provider, to the court of jurisdiction, district attorney, supervising and placing region(s), and parent or guardian within seven (7) days of completion. Documentation of compliance shall be maintained in the youth's case file.

4.5.1 Supervisory Reviews

A. Supervisors must routinely (at least quarterly) conduct reviews of the work product of staff under their supervision. At minimum, the following must be reviewed:

1. Youth's case file, including completion of assessments, psychological evaluation, ISP, case notes (chronological order), progress reports, and discharge and after care reports.
2. Observation of staff on service delivery skills: communication skills, behavioral reinforcements, implementation and knowledge of treatment model, redirection techniques, and group facilitation, etc.

B. Supervisors should provide feedback to the employee regarding any areas needing improvement. The supervisor should follow-up to ensure implementation was accomplished and corrections were completed.

4.6 The Juvenile Sexual Behavior Problem Treatment Program

The JSBPTP Program is a community based treatment program approved by OJJ, for youth that have been adjudicated (convicted) for a sex crime. Participants must be age 12-18, and have been adjudicated for a hands-on sex offense. A typical period of treatment is 1 – 1½ years, but may require longer participation depending on progress and cooperation in treatment. The frequency of treatment will be one (1) to three (3) times per week depending on risk level and other factors. Therapy will include individual, family and group sessions.

SECTION 5: SECURITY AND SUPERVISION

5.1 Monitoring Movement of Youth

Youth in residential placements are in the legal custody of YS/OJJ. YS/OJJ has a responsibility both to the court of jurisdiction and the public to know the location of youth at all times.

The provider shall follow a written plan to allow staff in residential and non-residential alternative programs to monitor movement into and out of the facility. Program staff shall be able to account for the whereabouts of its participants at all times.

Providers shall develop and implement written policies and procedures that enable youth to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures must require staff of the opposite gender to announce their presence when entering a dorm/housing unit. Providers that do not have discrete housing units (group homes) must require staff of the opposite gender to announce their presence when entering areas where youth are likely to be showering, performing bodily functions, or changing clothing.

5.2 Runaway

A youth shall be considered a runaway if he/she leaves the facility's grounds without permission and fails to return within two hours, or if in the reasonable judgment of the staff, there is cause to suspect the youth has left with no intent to return.

A. In all instances the provider shall immediately notify the supervising Regional Duty Officer, local law enforcement, and contact the parent/guardian of the youth.

B. Clothing and other personal belongings shall be secured immediately.

C. Discharge shall occur at the time of runaway. (Refer to Section 3.2.2)

5.3 Routine Searches

Searches should be a part of every provider's program and shall be conducted on a routine basis. The primary objective of a search is to ensure the safety of all youth, staff, and visitors. Searches shall be completed in the least intrusive manner possible for the type of search being conducted. The program shall maintain and make public written policies and procedures for conducting searches of residents, all areas of the facility, staff and visitors, to control contraband and/or locate missing property. The provider shall also have written policy and procedures establishing the consequences for residents found with contraband. The youth shall acknowledge, with their signature, that they were informed of what constitutes contraband and the consequences of possession.

5.3.1 Provider Searches

In order to ensure the safety of residents, staff and visitors, periodic house searches for contraband shall be conducted. The frequency and extent of the facility and ground searches should be consistent with program policies, and can be included during other routine inspections or activities. Searches shall be conducted by staff trained in the appropriate search techniques. Searches called by the provider staff can be limited to specific areas or youth. Youths' belongings shall be disturbed no more than necessary during the search. The search shall be documented, including who conducted the search, what areas were searched and what type of contraband was found, if any. If a search yields contraband, the supervising probation officer shall be notified and if necessary, the appropriate law enforcement agency should be notified.

The program director may request the services of YS/OJJ (i.e., training and technical assistance) to assist its staff in conducting a search. YS/OJJ may conduct housing searches if conditions warrant.

5.3.2 Personal Items Search

Routine searches of suitcases, and/or personal items brought into the facility shall be conducted by facility staff prior to the youth taking possession of his/her property, or when the youth is returning from a home pass. Searches of a youth's belongings may be conducted at any time and shall be as minimally intrusive as possible. Every effort must be made to have youth present when his/her belongings are being searched. All searches shall be documented in the facility's logbook and if a search yields contraband, the supervising officer shall be notified and if necessary, the appropriate law enforcement agency must be notified.

5.3.3 Youth Pat-Down Searches

A. Pat-down searches of youth may be conducted whenever the provider feels it is necessary, to discourage the introduction of contraband into the facility, or to promote the safety of staff and other youth. A pat-down search shall be conducted when a youth returns from a visit, outside appointment or activity when there is reason to believe contraband is on his/her person.

B. Pat-down searches are conducted as follows:

1. The search shall be conducted by staff trained in proper search techniques.
2. The search shall be conducted by a staff member of the same sex and shall be in the presence of another staff member.
3. The youth shall be told he/she is about to be searched.
4. The youth shall remove all outer clothing (gloves, coat, hat, socks, shoes and belt) and empty all pockets.
5. The staff person shall then pat the outer clothing of the youth using only enough contact to conduct an appropriate search.

6. If the staff member finds a bulge, odd shaped lump, etc., the youth shall be asked to identify the item and appropriate steps should be taken to remove the item for inspection.
7. If the youth refuses to comply, the program's director shall be notified immediately, and shall determine what action is appropriate.

C. All pat-down searches shall be documented in the facility's logbook. Documentation shall include name of youth being searched, staff conducting the search and results of the search. A written report shall be completed when contraband is found to indicate the specific item discovered and reported to the supervising officer. If necessary, the appropriate law enforcement agency shall be notified.

5.3.4 Youth Strip Searches

A strip search is a visual search of a youth's nude body, in a place out of the view of other persons. Strip searches may be performed by facility staff upon prior documented approval by the program director only and only after a pat-down search causes reasonable suspicion to believe that weapons or contraband may be found through additional searches.

The facility shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status, it may be determined through general conversation with the youth, medical records review or as part of a broader medical examination conducted in private by a medical practitioner.

The following are procedures for a strip search:

A. A strip search shall be conducted by two (2) staff members of the same sex as the youth who is being searched. One staff observes the youth to conduct the search. The second staff member observes the staff member conducting the search.

B A strip search shall be performed in an area and in a manner that ensures the privacy and dignity of the youth.

C. The youth shall remove all clothing and move away from the articles.

D. Staff shall NOT TOUCH the youth.

E. The youth shall be asked to run his/her hands through his/her hair.

F. Staff shall search clothing carefully and return it to the youth.

A body cavity search—Visual or otherwise is PROHIBITED.

All strip searches are to be documented in writing, and if a search yields contraband, the supervising officer shall be notified and if necessary, the appropriate law enforcement agency should be notified.

5.3.5 Visitor Searches

Visitors to the facility shall be advised that their property and personal items may be subject to a search. Visitors may be required to submit packages, handbags and briefcases for inspection by trained staff. If there is reason to believe additional searches are necessary, admission to the facility shall be denied.

All visitor searches shall be documented in the facility log. If a search yields contraband, the supervising officer shall be notified and if necessary, the appropriate law enforcement agency shall be notified.

5.3.6 Staff Searches

All staff members shall receive rules that govern what is considered contraband in the facility. An acknowledgement of receipt of these rules shall be placed in their personnel file. The program director may authorize a search of a staff person's belongings and/or a pat-down search to follow established guidelines. Refusal to comply with the search, or if contraband is found, shall be handled by the program director in accordance with the provider's rules and regulations governing employees.

5.4 Contraband Disposal

All contraband found in the possession of youth, visitors, or staff shall be confiscated by staff and secured under lock and key in an area inaccessible to youth/residents. Local law enforcement shall be notified in the event illegal drugs, weapons, or paraphernalia are found. The program director, in consultation with YS/OJJ, shall be responsible for disposal of all contraband not confiscated by police. Visitor's items that are unauthorized but not illegal will be taken and locked in an area inaccessible to the youth during the visit. These items will be returned to the visitor upon exit from the facility.

5.5 Youth Drug Screens

Drug screens shall be done randomly or on an as-needed basis with the approval of the program director.

A. A record shall be kept of all drug screens and results.

B. A positive drug screen shall immediately be reported to the officer supervising the case.

C. Drug screens shall be conducted when a youth returns from home pass.

5.6 Use of Force

The program shall use the least amount of force necessary to prevent and/or deter undesired behavior, including runaway behavior.

A. Physical force shall never be used as punishment.

B. Any use of force shall be documented in writing, dated, and signed by staff reporting the incident. The documentation shall be submitted to the program's director.

C. Program staff shall abide by the mandatory reporter laws as reflected in Ch.C. Articles 603, 609, and 610; and La. R.S. 14:403, which requires staff working with youth who become aware of abuse and neglect take appropriate measures based upon their belief that abuse or neglect has occurred.

The program shall ensure that youth in the program receive adequate and humane treatment. All instances of suspected child abuse or neglect shall be reported to the DCFS toll-free number 1-855-4LA-KIDS (1-855-452-5437), which is manned 24 hours a day, seven (7) days a week.

Staff shall follow-up with a written report to DCFS using Attachment (h), the DCFS/CW Form CPI-2 noted in Section 2.6 above, and also available on the Internet at http://www.dcfs.louisiana.gov/assets/docs/searchable/OCS/CPI-2.pdf. A copy of this report shall be provided to the OJJ supervising regional office.

The program shall ensure no reprisals are taken against the youth or the staff reporting an incident.

D. A program shall not use any form of chemical restraint. If physical restraints are to be used, the program shall submit in writing for approval from YS/OJJ and the DCFS, Bureau of Licensing and Certification, the following:

1. The type(s) of restraining techniques;
2. The restraints to be used; and
3. Staff training to be provided in regard to physical restraint.

5.7 Restrictions

The provider shall have written policies and procedures regulating the use of room restriction or unauthorized areas. The policy shall ensure that:

A. There are procedures for recording each incident involving the use of restriction.

B. The reason for the room restriction is explained to the youth and he/she has an opportunity to explain the behavior.

C. Other less restrictive measures have been applied prior to restrictions.

D. Youth in room restriction shall have access to the bathroom.

E. Staff shall check on a youth in room restriction a minimum of once every 15 minutes and document such.

F. Room restriction may only be used in an unlocked area.

G. Room restriction shall not exceed a total of two hours for youth in residential programs. Restriction from a particular area (unauthorized area) due to behavior, misuse of property, etc. shall last no longer than the time needed to bring control to the situation.

5.8 Battery on Staff

All instances of battery committed on staff shall be documented and, whenever appropriate, charges shall be filed with appropriate authorities. Each incident shall be reported to the supervising regional office within 24 hours of occurrence via the completion of an OJJ/Unusual Occurrence Report (UOR) [see Attachment (l)].

5.9 Suicide Precautions

All providers shall have a written suicide prevention plan detailing the proper response to youth who demonstrate a risk of suicide. The procedure shall, at a minimum, include the following elements:

A. A process for determination or assessment of suicidal behavior and risk by qualified professional.

B. A procedure for contacting appropriate health authorities and YS/OJJ.

C. A plan, created by a qualified professional, of direct supervision of a youth until a suicide crisis has ended and ongoing assessment.

5.10 Abuse/Neglect Reports

In accordance with the DCFS, all allegations of abuse and neglect shall be reported to the local parish DCFS Office or the Crisis Intervention Protection hotline. (Refer to Section 5.6 above for more information)

The Louisiana Children's Code defines abuse and neglect as follows:

Abuse - any of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

A. The infliction, attempted infliction, or as a result of inadequate supervision, the allowance of the infliction or attempted infliction physical or mental injury upon the child by a parent or any other person.

B. The exploitation or overwork of a youth by a parent or any other person.

C. The involvement of the youth in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the care of the youth's sexual involvement with any other person or of the youth's involvement in pornographic displays, or any other involvement of a youth in sexual activity constitutes a crime under the laws of this state.

Neglect – the unreasonable refusal or failure of a parent or caretaker to supply the youth with necessary food, clothing, shelter, care, treatment, or counseling for injury, illness, or condition of the youth, as a result of which the youth's physical, mental, or emotional health and safety is substantially threatened or impaired.

SECTION 6: ORIENTATION

6.1 Youth's Rights and Responsibilities

All youth shall be advised of their rights and responsibilities, the provider's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse and sexual harassment and the expectations of the provider, through the orientation process which shall be conducted within 24 hours of admission [see Attachment A.4.2 (m)]. A signed copy of the attachment shall be filed in the youth's case record.

6.2 Mail

Youth shall be allowed to send and receive letters from all persons, including people in other programs or institutions, unless specifically prohibited by order of the Court of Jurisdiction. All restrictions of mail shall be documented in the youth's ISP. There shall be no restriction on the number of letters written, the length of any letter, or the language (English, Spanish, French, etc.) in which a letter may be written. Profanity, graffiti and/or gang symbols shall not be allowed on incoming or outgoing mail (refer to 6.2.5).

6.2.1 Letters

A. Inspection of Outgoing Letters
Outgoing letters are to be posted unsealed and inspected for contraband.

EXCEPTION: Outgoing "privileged" mail may be posted, sealed and may not be opened except with a search warrant, if it is confirmed addressed to an identifiable source. For purposes of this regulation "an identifiable source" means the official or legal capacity of the addressee is listed on the envelope and the name, official or legal capacity, and address of the addressee has been verified. Identifiable sources are as follows:

1. Courts;
2. Attorneys;
3. Probation and Parole Officers/Juvenile;
4. Deputy Secretary, Regional Director, Regional Manager; and
5. Other state and federal departments, agencies and their officials

Upon determination that the letter is not identifiable as privileged mail, the item shall be opened and inspected for contraband.

B. Inspection of Incoming Letters

Letters from the following identifiable sources shall be opened by the youth to whom they are addressed and may be inspected for contraband only in the youth's presence:

1. Courts;
2. YS/OJJ officials and probation and parole officials;
3. Prosecuting attorneys;
4. Other attorneys; and
5. State and federal agencies and officials.

C. Reading of Letters

Routine reading of letters by staff is prohibited. The program director may determine that reading of a youth's mail is necessary to maintain security, order, or program integrity. The youth's supervising probation officer shall be notified when mail is read by program staff. If there is a determination made that it is necessary to read a youth's mail, the reasons must be documented.

6.2.2 Stationery and Stamps

Programs shall provide youth with sufficient stationery, envelopes and postage for all legal and official correspondence and for at least two (2) personal letters each week.

6.2.3 Packages

All packages shall be inspected prior to being given to youth in an effort to prevent contraband.

6.2.4 Publications

Books, magazines, newspapers and printed matter which may be legally sent to youth through the postal system shall be approved, unless deemed a threat to the security of the program, content contrary to treatment plan; porn.

6.2.5 Withholding of Correspondence

If it is determined that any letters or publications passed through the mail illegally or present a threat to security or contains graffiti, they may be withheld from the youth it is addressed to. This decision shall be made by the program director. The decision and reasons are to be discussed with the youth and documented in his/her case file. The youth has the right to appeal this decision to the supervising Regional office.

All youth, regardless of status, shall be allowed to receive approved correspondence. However, youth on restriction may have their privilege of originating correspondence restricted to communications with the courts, YS/OJJ, parent/guardian and legal counsel.

6.2.6 Collection and Distribution of Mail

Collection and distribution of mail is never to be delegated to a youth, nor should the mail to be dropped on a table or other convenient location for each youth to come and look for his/her mail. Mail shall be delivered promptly to the youth to whom it is addressed.

6.3 Visitation

The provider shall develop written rules governing visitation and shall provide a copy to each youth, his/her parent or guardian and the placing region. In all cases, the provider, in collaboration with YS/OJJ, shall screen potential visitors and approve or disapprove their visitation in accordance with the provider's criteria. The program's written visitation policy is subject to approval by YS/OJJ.

6.3.1 Attorney Visits

A. The program shall develop written policies governing visits between attorney and client/youth. Policy must include at least the following: Attorney visits (face-to-face or telephone) with clients/youth must be approved in advance by the program director.

B. Attorney credentials must be verified through the Louisiana State Bar Association (LSBA). Verification can be obtained through the LSBA website @ www.lsba.org/default.aspx or by calling LSBA direct at 1-800-421-5722. Approval/Denial shall be provided by the program director.

C. Visits by Authorized Legal Representatives (ALR) may be permitted at the discretion of the program director. However, ALRs must not be on the visiting list of the youth and supervising attorney must provide an affidavit indicating the following information:

1. ALR's name, social security number, and date for birth;
2. Length of employment and supervision; and
3. Attach copy of certification or license to affidavit.

D. Youth may refuse visits with an attorney at any time and such refusal must be indicated in writing. A logbook of all attorney and ALR visits must be maintained. The logbook shall include the name of the legal representative, date, and length of visit.

E. Visual observation of visits between youth and legal counsel is permitted; however, audio recording of the conversation is not permitted.

6.4 Personal Safety

Every youth has the right to feel safe. Providers have the responsibility to ensure that youth are safe while in their care.

Every youth shall be advised by the provider of the procedure to contact a professional staff person on a 24-hour basis if he/she does not feel safe.

The program's director should make periodic contact with youth in the program to determine if they feel safe and comfortable when interacting with peers and staff. Case managers should routinely ask youth questions regarding perceptions of safety during individual treatment sessions and note responses in case notes.

Further, providers must have a written policy and procedure that allows intermediate-level or higher level supervisors to conduct unannounced rounds on all shifts to identify and deter staff sexual abuse and sexual harassment. Documentation of such rounds must be maintained and made available for review by OJJ and PREA auditor(s).

6.5 Smoking/Sale of Cigarettes

Every provider shall establish written policies and procedures banning use of cigarettes and other tobacco products at the facility or while exercising supervision over youth. The provider shall assist the youth in accessing smoking cessation programs, when needed.

6.6 Research

The provider shall not authorize any youth participation in research without written approval of YS/OJJ Deputy Secretary.

6.7 Telephone

Programs shall have written policies and procedures regarding the youths' use of the telephone.

6.8 Television Programming

Programs may utilize television programming, cablevision services, satellite dishes, videotape/DVD rentals and sales or other appropriate means to provide basic and educational television in accordance with applicable state and federal laws and regulations.

Programming for cablevision/satellite services shall exclude premium movie channels, music video channels and other expanded programs due to excessive violence and sexually explicit subject matter.

Examples of basic channels allowed without restriction (not exclusive due to variations in channels available):

- Local television station(s)
- Educational channels (i.e., Louisiana Public Broadcasting, The Learning Channel, The Discovery Channel, etc.)
- Cable News
- Network ESPN
- WTBS
- WGN
- Nickelodeon
- USA
- TNT

Examples of expanded basic, music, video and premium channels not allowed (not inclusive due to variations in channel availability)*:

- Home Box Office (HBO)
- Cinemax
- Showtime
- Encore
- Starz
- Pay-per-view
- The Playboy Channel
- FLIX
- Music Video Channels (MTV, TNN, CMT, etc.)

***These channels are not allowed regardless of whether available as part of the basic or expanded basic package.**

Rentals of videos/DVDs rated “R” or “X” are strictly prohibited.

Program directors shall periodically review and monitor television programming

6.9 Video Games

Video games rated T for Teen, M for Mature, or U for Unrated are strictly prohibited.

6.10 Computer/Electronic Device Use

Providers must have a policy governing youth’s access and use of computers and other electronic devices (netbooks, tablets, and smartphones, etc). Procedures must ensure that computers and electronic devices under the physical custody of youth limits access to unauthorized sites (adult content, social networking, EBay, etc.). In addition, they must not compromise the safety of the youth in the program. Use of content filters, such as firewalls to block access to unauthorized sites must be installed on electronic devices used by youth. Computers shall be used by youth for the purpose of education, rehabilitation, and vocational development.

Any misuse of computers or electronic devices (gaining access to unauthorized sites, downloading inappropriate/unapproved material, transmission of abusive or harassing language, etc.) by a youth must be reported to the probation officer via a UOR by the next business day following the incident.

6.11 Grievance Procedures

Each program shall have a written grievance procedure for youth. The procedure shall be written in clear and simple language and shall allow youth to make complaints without fear of retaliation.

The grievance procedure shall be explained verbally and in writing to the youth upon admission and quarterly thereafter. Written verification of receipt shall be maintained in the youth's record.

SECTION 7: MEDICAL

7.1 Medical Services (Residential)

The provider shall have a written plan to access routine medical and dental services for youth assigned to its program. The plan shall include a written agreement with a licensed clinic, physician and dentist for routine care services. It shall establish procedures for staff to follow for making appropriate appointments and providing transportation for youth for the medical and/or dental service needed.

Upon admission, the provider shall obtain a "Consent for Medical Treatment Authorization Form" signed by the youth's parent(s)/guardian or Youth Services. The consent form shall be filed in the youth's case record at the facility.

Routine care shall be provided by a provider that accepts Medicaid reimbursement.

7.1.1 Physical Examination & Medical History

A. If a physical examination has not been performed on a youth within the previous 30 days, an exam shall be completed within one (1) week of admission to the program, which is to include an assessment of the child's general health with focus on any injuries and/or diseases, and vision, hearing and dental screenings. It is not necessary to obtain a medical exam when a youth is transferred from another licensed program, if documentation of the previous examination was within one (1) year and includes vision, hearing and dental screenings. Each youth shall have a routine medical and dental examination annually.

B. Medical information shall be obtained immediately upon a youth's admission to the program. A person trained by a recognized health

authority shall obtain this information for youth placed in residential care. The health screening evaluation report shall be filed in the youth's program file. The evaluation shall include the following information:

1. Whether the youth is presently on medication;
2. Whether the youth has a current medical or dental complaint;
3. Medical and dental conditions for which the youth received treatment in the past;
4. The youth's general appearance and behavior;
5. Physical disabilities;
6. Evidence of abuse and/or trauma; and
7. If needed, the program shall make referral(s) for substance abuse, mental health and suicide risk assessment/treatment. Medical/health related issues require documentation of parent/guardian notification. The parent and Probation Officer must be informed in writing of all referrals made as a result of screening(s).

C. Identified medical, dental and/or mental health needs shall be immediately addressed through prompt referral to the appropriate person (s) (e.g., healthcare service, parent/guardian, or YS/OJJ).

7.1.2 Access to Emergency Services (Residential & Non-Residential)

The program shall have a written plan for access to 24-hour emergency medical, psychiatric and dental care for assigned youth. The plan shall define the circumstances that constitute a medical emergency and include instructions to staff regarding their conduct once the existence of a medical emergency is suspected or has been established. The plan shall include arrangements for the following:

A. Transportation.

B. Use of hospital emergency rooms or other appropriate health facilities. In the event a youth is admitted to a medical hospital, the provider shall immediately notify the youth's parent/guardian and the supervising or Regional Duty Officer, to facilitate direct supervision of the youth while in the hospital.

C. Emergency on-call physician and dental services when a health care provider is not readily accessible in a nearby community.

D. Notification procedure for youth's parent/guardian, OJJ and program director, if not involved at the time of emergency. Notifications must be documented in either the youth's case file or medical logbook and must include the date, time and name of person making notification.

E. Follow-up care for any medical, psychiatric or dental services determined necessary.

7.2 Refusal of Medical Treatment

If a youth refuses necessary medical treatment or medication recommended by a physician, the youth shall sign a “Statement of Refusal to Submit to Treatment”. A staff member shall witness the youth's signature and this documentation shall be filed in the youth's case record.

In the event of a medical or mental health emergency, as determined by the provider, medical attention for the youth shall be sought immediately. The provider should encourage the youth to comply with medical advice.

Although a provider may consent to medical treatment for a youth, the youth has the right to refuse.

7.2.1 Youth 18 Years of Age or Older

If a youth 18 years or older refuses medical treatment, the provider shall notify the supervising regional office immediately via UOR.

7.2.2 Youth Under 18 Years of Age

If a youth 18 years or younger refuses medical treatment, the provider shall immediately notify YS/OJJ via UOR and request assistance from the youth's parent(s)/guardian and the supervising regional office.

7.3 Suicide Prevention/Precaution

A. The program has a written plan to safely assess and protect youth who have been identified as at risk of suicide.

   1. The program has a written suicide plan that includes procedures for the initial identification and ongoing assessment of suicide risk, as well as precautions.
   2. The plan details levels of appropriate supervision/observation used by the program to monitor the youth until trained mental health professional help is obtained.
   3. The plan outlines the protocol for immediate notification of youth’s parent, OJJ, and program director, if not already directly involved in incidents concerning severe bodily injury and/or psychiatric episode. Notification must be documented in the youth’s case file.

7.4 Notification of Serious Illness, Severe Bodily Injury or Severe Psychiatric Episode

The program shall report any incidence of severe bodily injury, serious illness and severe psychiatric episodes, immediately, to the youth’s parents/guardians, supervising regional office (Regional Duty Officer) and placing regional office (if different).

7.5 Use of Pharmaceutical Products

A. A program shall have written policies and procedures governing the use, storage, inventory, disposal, and administration of medication to youth. Policies shall conform to all applicable laws and regulations including, but not limited to, those of the DCFS, Licensing Section.

B. Written policy must include at least the following elements:

1. Medications shall be administered as prescribed by treating physician;
2. Medications are stored in a secure and locked area. Inventory is maintained by a designated person on a routine basis; and
3. Medical equipment (e.g. needles, syringes, scissors, etc.) are also kept secured, locked and inventoried.

7.6 Communicable Diseases

The health authority (i.e. the physician health administrator of an agency responsible for provision of healthcare services to the provider) shall establish policies and procedures for serving youth with infectious diseases such as tuberculosis, hepatitis-B, and AIDS. These policies and procedures shall address the management of communicable diseases; provide orientation for new staff and youth concerning the diseases, and ongoing education for staff and youth regarding infectious diseases. Counseling should be provided to youth with a positive HIV diagnosis. Policies and procedures shall be updated as new information becomes available.

A. In accordance with law, a youth may request to be tested for HIV. HIV testing should be conducted by the public health provider or a provider that accepts Medicaid reimbursement.

B. Examinations shall be performed on youth by proper medical authorities for all symptomatic cases of communicable diseases such as tuberculosis, ova and parasites, infectious hepatitis and venereal disease. Youth shall be tested and, if indicated, treated.

C. Staff shall be provided information about a youth's medical condition only when that knowledge is necessary for the performance of their job duties. The health authority shall determine policies regarding any necessary labeling of files for staff protection, protection of other youth or proper treatment.

D. Confidentiality shall be maintained.

7.7 Pregnancy

A. Individual Treatment Plan goals and objectives shall be developed when a pregnancy has been confirmed. The plan shall be based on the orders of the youth's community obstetric physician and shall include special care, regular medical check-ups, special dietary and recreational needs, and a proposed plan for the youth and baby following delivery.

B. Parenting classes shall be an integral part of the Individual Treatment Plan for all pregnant females in care.

C. Medical services relating to pregnancy shall be provided by a physician/hospital accepting Medicaid reimbursement, unless medical expenses are paid by the youth's family.

D. In the event the infant is unable to remain with the mother in residential care, the child shall be placed with an appropriate family member or in the temporary care of the DCFS. All efforts should be made to continue contact between the mother and the infant.

7.8 First Aid Kits

A. First aid kits shall be locked and secured in an area of the facility readily accessible to program staff. Each kit shall include, at a minimum, the following:

- Latex gloves
- Rolled gauze
- Sponges
- Triangle bandages
- Band-Aids
- Instruction pamphlets for first aid
- Salves and other over-the-counter medication approved by a recognized health authority
- Antiseptic lotion
- Note paper and pencil
- Blunt end scissors, safety pins and tweezers
- Ammonia inhalant

B. The contents, location and use of first aid kits shall be reviewed annually with all staff. Contents of the kits shall be inventoried monthly and replenished as needed, taking into account the expiration dates of individual kit items.

7.9 Notification of Death (Youth in OJJ Custody)

In the event of the death of a youth in YS/OJJ custody, the provider shall immediately notify the appropriate law enforcement agency, youth's legal guardian, supervising Regional Duty Officer and placing Regional Duty Officer, if different, and the local coroner.

Unless a waiver is requested by YS/OJJ and approved by the local coroner, an autopsy is required pursuant to LA R.S. 33:1563.

7.10 Medical Staffing & Training

Direct care workers and other staff shall be trained to respond to health related emergencies.

At least one staff member qualified to administer first aid and cardiopulmonary resuscitation shall be on duty at all times.

A. Training shall include, at a minimum, the following:

1. Recognition of signs and symptoms of physical illness and knowledge of action required in emergency situations;
2. Signs and symptoms of mental illness, suicide risk, retardation, chemical use and/or dependency;
3. Methods of obtaining assistance, including emergency medical back-up plans; and
4. Procedures for transferring youth to appropriate medical facilities or health care providers.

SECTION 8 QUALITY ASSURANCE/QUALITY IMPROVEMENT

8.1 Contract Monitoring

Contract programs shall be continuously monitored by the assigned Regional Program Specialist and other YS/OJJ personnel to ensure that youth are receiving safe and effective, high quality services that are consistent with contract requirements, including but not limited to service grid compliance, performance and outcome measuring, operating procedures, maintenance and upkeep of the physical plant, qualifications of staff, staffing patterns and staff development.

Programs will be monitored in accordance with assigned level of risk. Generally, residential programs are considered high risk and receive monthly monitoring, while non-residential programs such as Tracker and Mentor are considered moderate risk and receive bimonthly monitoring.

Upon completion of a monitoring visit, the assigned Regional Program Specialist will meet with the program director or designee to discuss findings.

NOTE: OJJ reserves the right to conduct random unscheduled quality assurance reviews to ensure program effectiveness and fidelity.

8.2 Non-Compliance

During the exit interview, the provider shall be notified of any deficiencies. The provider shall then be afforded the opportunity to take immediate corrective action. YS/OJJ shall address any remaining deficiencies in writing, and shall identify a specific deadline for correction. The provider shall be required to submit a corrective action plan outlining proposed solutions to have all deficiencies corrected by the deadline. Additional visits shall be made to each program as necessary to monitor contract compliance and ensure that progress is made on corrective action plans. Providers who fail to comply with the written corrective action plan shall be subject to sanction.

Sanctions may be imposed on any provider who fails to adhere to any provision of the Standard Operating Procedure (SOP), either intentionally or through negligence. These sanctions shall be issued by YS/OJJ Deputy Secretary and General Counsel, and shall not exceed three percent (3%) of the gross monthly billing. One sanction may be levied for each individual violation.

These sanctions are intended to create a positive change of compliance to the SOP and contract and are not intended to cause any negative or detrimental effect on the services available to youth.

Continued sanctions may jeopardize the future of the provider's contract with YS/OJJ.

Sanctions may include, but are not limited to:

- Reducing the number of youth assigned to the facility
- Monetary sanctions (reduction of monthly payment)
- Moratorium on placements
- Termination of Contract

8.3 Correctional Program Checklist (CPC)

The OJJ will evaluate programs using the evidence-based CPC designed to assess treatment programs. More specifically, the tool will assess how closely programs meet known principles of effective intervention.

The evaluation examines the programs in five (5) domains in the areas of content and capacity: Leadership & Development, Staff Characteristics, Quality Assurance, Assessment and Treatment. There are 77 items to be scored giving the program a rating of Very High Adherence, High Adherence, Moderate Adherence or Low Adherence to Evidence Based Practices.

OJJ desires for providers to score within the Very High Adherence to High Adherence range. Providers will be required to participate in the CPC evaluation process at least every 2 (two) years.

8.3.1 Correctional Program Checklist Provider Response

Following the review, the lead evaluator will complete and provide a comprehensive written report to the program director. The CPC report will discuss positive program components as well as provide recommendations to improve program effectiveness. Programs shall submit a written plan of action to OJJ within 30 days of receiving the report. The action plan must outline efforts being made to address the individual weaknesses identified in the CPC report with implementation timelines. The program shall work towards improving their score and compliance with the CPC.

Section 9 REPORTING

9.1 Monthly Report

Providers shall submit a monthly report by the tenth (10th) of each month to the Regional Program Specialist who is the Contract Performance Coordinator. The template is provided by OJJ and shall be submitted electronically.

9.2 Annual Report

Providers shall submit a written annual report within 30 days of the end of each contract year and at the expiration/termination date. The report shall reflect the efficiency and effectiveness of services for youth and the overall performance and outcome measure identified in the contract.

No later than May 15th of each year, the provider shall submit the facility's evacuation plan to the supervising Regional Manager and the Regional Program Specialist.

9.3 Incident Reporting

A. Each program must have a written policy indicating the manner in which all incidents outlined below are reported to the OJJ, including the name(s) of the responsible reporting person.

B. An Unusual Occurrence Report (UOR) shall be completed for reportable incidents and forwarded to the Regional OJJ Office as outlined below:

Level I Incidents:

1. Escapes, runaways and/or apprehensions
2. Deaths;
3. Life-threatening events;

4. Any other high profile or large scale event warranting immediate notification of authority (e.g., natural disaster, hostage situation, facility riot, large scale evacuation, etc.).

Level I Incidents are to be reported to the regional OJJ office immediately. If the regional office is closed, the Regional Duty Officer must be contacted.

Level II Incidents:

1. Fistic/Physical Encounters resulting in injury
2. All reported allegations of abuse by staff or other youth
3. Any medical/mental illness or injury requiring hospital/clinic visit.

Level II incidents are to be reported to the regional OJJ office within 24 hours of occurrence or by the next business day, if applicable. Level II incidents do not require after-hours notification.

DEFINITIONS:

AGENCY – Youth Services, Office of Juvenile Justice

BEHAVIOR MANAGEMENT SYSTEM – A structured system designed to increase appropriate behavior through the use of graduated sanctions and/or consequences and rewards applied in a consistent manner and typically influences the milieu of the living unit or dorm.

BEST PRACTICE –Systems or procedures that have demonstrated over time, the ability to produce positive outcomes.

CHEMICAL AGENT – An active substance, such as pepper spray, used to deter activities that might cause personal injury or property damage.

CONTRABAND – Items possessed by youth, staff, or visitors or found within the facility that are illegal or as expressly prohibited by persons legally responsible for administration and operation of the facility.

CONTRACT COMPLIANCE – Conformance to the programmatic expectations of effectiveness, efficiency, and efficacy of service delivery as defined within the contract, i.e. staff qualifications, housing, and security.

CONTRACT PERFORMANCE COORDINATOR/CONTRACT MONITOR/REGIONAL PROGRAM SPECIALIST – An agency employee assigned to review program effectiveness, compliance with contract provisions and accepted standards and public policy or state law; assists in staff development and provides technical assistance to support quality and compliance, as needed.

CORRECTIONAL PROGRAM CHECKLIST – Evidence based tool used by OJJ to evaluate program effectiveness and adherence to the known principles of effective intervention.

CRIMINOGENIC NEEDS – Major risk factors associated with delinquent/criminal conduct (e.g. anti-social attitudes, anti-social peers, substance abuse, impulsive behavior, and family factors).

DAGP – Data Assessment Goal and Plan – a standard format for writing progress notes. It includes data (information obtained from talking with the client and from observation); assessment (the counselor's assessment of the information and of the client's current functioning); goal (what the client will be responsible for), and a plan (plan for future treatment and as it relates to progress noted and updating of the treatment plan, may include homework assignments) necessary to reach the goal.

DEPUTY SECRETARY – Department of Public Safety and Corrections, Youth Services, appointing authority and agency head.

EMERGENCY SHELTER – A facility for the temporary placement of youth in OJJ custody who have not committed a felony-grade delinquent act or a misdemeanor-grade delinquent act based upon an offense against the person of another.

EVIDENCE-BASED PRACTICE – A practice that has been tested against a control group and has been scientifically proven to produce positive outcomes.

FACILITY LOGBOOK – A bound book with numbered pages in which program staff documents daily activities and important events on a regular basis.

FULL TERM DATE – Expiration date of disposition (date after which the Agency no longer has authority over the youth).

FUNCTIONAL FAMILY THERAPY (FFT) - A family-based intervention program for high-risk youth that addresses complex multidimensional problems through flexibly structured clinical practice. The FFT clinical model concentrates on decreasing the individual risk factors and increasing the individual protective factors that directly affect program participants, with a particular emphasis on the family.

HOUSING SEARCHES – Announced/unannounced searches of a youth's living area designed to uncover contraband or stolen items, maximize sanitary standards, and eliminate fire and safety hazards.

INDIVIDUALIZED SERVICE PLAN (ISP) – A plan to address the individual needs of a youth. The plan outlines goals, objectives and interventions with timeframes and progress.

LAMOD – A therapeutic environment that focuses on youth and staff interacting in small groups, involving family, and fostering positive peer culture. LAMOD prepares youth for re-entry into the community as productive citizens.

MODEL PROGRAMS – (Evidence-Based Programs) – Programs with scientifically proven outcomes that can be replicated.

MULTIDISIPLINARY TEAM – A group of individuals from diverse disciplines who provide comprehensive assessment and consultation and assist in identifying the goals of the Individual Treatment/Intervention Plan. The MDT should include facility and/or community providers, mental health professional, educators, agency staff, youth and family members.

MULTISYSTEMIC THERAPY (MST) - An evidence based intensive family and community-based treatment program that focuses on addressing all environmental systems that impact youth -- their homes and families, schools and teachers, neighborhoods and friends.

NON-COMPLIANCE – Failure to meet the terms of the contract.

OJJ – Youth Services, Office of Juvenile Justice, formerly Office of Youth Development (In 2008 the name was changed by statute to Office of Juvenile Justice)

OUTCOMES – The desired impact and effectiveness of the service to the client; shall be measurable and observable.

PAT-DOWN – A search of a fully clothed person. He/she may be required to remove all outwear for the search, i.e., coats, jackets, hats, shoes, socks and belt only.

PERFORMANCE COMPLIANCE - Conformance to the programmatic expectations of effectiveness, efficiency, and efficacy of the service delivery as defined by contract performance standards (examples are staff qualifications, housing and security).

PHYSICAL RESTRAINT – The act of applying appropriate physical force to a youth to control dangerous behaviors and minimize the chance of injury to staff, other residents, and/or the youth being restrained, and/or to prevent a youth from absconding from custody.

PLACEMENT – The assignment of a youth to a residential or non-residential contract program by the Office of Juvenile Justice.

PLACING OFFICER – The officer who initially assigns the youth to a contract program.

PLACING REGION – The Office of Juvenile Justice region from which a placement originates.

PPO/J – Probation and Parole Officer/Juvenile, Office of Juvenile Justice Probation Officer

PREA – Prison Rape Elimination Act of 2003 was enacted by Congress to address issues of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. This legislation requires the Bureau of Justice Statistics (BJA) to initiate new national data collections on the incidence of prevalence of sexual violence within correctional facilities. PREA defines four categories of sexual abuse for purposes of data collection: abusive sexual contacts, nonconsensual sexual acts, staff sexual harassment and staff sexual misconduct.

PROGRAM UNIT/SLOT – Contract designation for the approved number of youth who can be assigned to a program at any one time.

PROVIDER – An individual or organization providing services to the Office of Juvenile Justice, through a duly executed contractual agreement; the terms “facility” and “program” are also used to mean provider.

REGION – An organizational subdivision of the Office of Juvenile Justice, Youth Services.

REGIONAL DIRECTOR – OJJ staff responsible for the Northern, Central/Southwest or Southeast service areas. The Regional Director supervises the Regional Managers.

REGIONAL DUTY OFFICER – The person designated by the Regional Office to be responsive to provider contacts in emergency and crisis situations.

REGIONAL MANAGER – Managers of the Community Based Services (CBS) field offices located throughout the state.

RESIDENTIAL – Placement for custody youth in a structured setting more restrictive than supervision, but not as restrictive as secure care.

RESIDENTIAL LEVEL DETERMINATION FORM – Form used by OJJ and the Department of Children and Family Services (DCFS) to determine the level of residential care and billing reimbursement.

RUNAWAY – A youth in the custody or under the supervision of the Agency who leaves the grounds of a program without authorization, fails to return within two hours of the authorized time by the program, or there is reason to believe youth will not return to a program.

STRUCTURED ASSESSMENT OF VIOLENCE RISK IN YOUTH (SAVRY) – Structured and objective assessment used to predict violence and general delinquency in youth.

STRIP SEARCH – The search of a youth's person during which the youth is required to remove all clothing.

SUPERVISING REGION – Region in which the contract program is geographically located.

SUPERVISING OFFICER – The officer responsible for monitoring a placement of the youth while he is assigned to a particular community contract program.

TREATMENT – Any therapeutic or rehabilitative service provided to a youth by a provider.

YOUTH – A young person adjudicated delinquent or Families in Need of Services (FINS) and placed in custody or under the supervision of the Office of Juvenile Justice.

SUBMIT TO:

Louisiana State Police
Bureau of Criminal Identification and Information
P.O. Box 66614 (Mail Slip A-6)
Baton Rouge, LA 70896

THE FEE FOR PROCESSING A STATE BACKGROUND CHECK IS $26. FOR FBI PROCESSING, WHERE AUTHORIZED OR REQUIRED, THERE IS AN ADDITIONAL $13.25 FEE.

Acceptable forms of payment include: Cashier Check, Business Check with pre-printed business name or Money Order
Credit Card payments are accepted when paying in person at Louisiana State Police Headquarters

****FORMS MUST BE FILLED OUT IN INK AND BE REVIEWED BY SUBMITTING AGENCY/INDIVIDUAL FOR ACCURACY****
******FINGERPRINTS ARE NECESSARY FOR A POSITIVE IDENTIFICATION******

******PLEASE PRINT******

AGENCY, FACILITY OR INDIVIDUAL

AGENCY, FACILITY AUTHORIZED REPRESENTATIVE OR INDIVIDUAL

MAILING ADDRESS

SIGNATURE OF AUTHORIZED REPRESENTATIVE/INDIVIDUAL

CITY STATE ZIP CODE

(_____)_____
AGENCY, FACILITY OR INDIVIDUAL PHONE NUMBER

AGENCY OR FACILITY E-MAIL ADDRESS

Request For: (pick one only)

- □ ALCOHOL BEVERAGE OUTLET
- □ BEHAVIOR ANALYST BOARD
- □ BOARD OF EXAMINERS (PSYCHOLOGIST)
- □ BOARD OF EXAMINERS (SPEECH/LANGUAGE PATH. & AUDIO.)
- □ BOARD OF NURSING HOME ADMINISTRATORS
- □ CASA
- □ COURT ORDER ADOPTION
- □ CRIMINAL JUSTICE EMPLOYEE
- □ DAYCARE / WORKING WITH CHILDREN
- □ DENTISTRY BOARD
- □ DEPT. OF AGRICULTURE AND FORESTRY
- □ DEPT. HEALTH AND HOSPITALS
- □ DEPT. OF INSURANCE – FRAUD DIVISION
- □ DEPT. OF REVENUE (Public Registry of Motion Picture Investor Tax Credit)
- □ DCFS ABUSE/NEGLECT INVESTIGATION
- □ DCFS CARETAKER
- □ DCFS FOSTER/ADOPTIVE
- □ DCFS PERSONNEL
- □ DRUG AND DEVICE DISTRIBUTORS
- □ EMPLOYERS
- □ FIREFIGHTERS
- □ FIRE MARSHAL
- □ GESTATIONAL CONTRACTS
- □ HEALTH CARE PROVIDER (Non Licensed)
- □ JUVENILE DETENTION CENTER
- □ LA BOARD CHIROPRACTIC EXAMINERS
- □ LA PHYSICAL THERAPY BOARD
- □ LA STATE BOARD SOCIAL WORK EXAMINERS
- □ LICENSED PROFESSIONAL COUNSELORS
- □ MEDICAL EXAMINERS
- □ OFFICE OF FINANCIAL INSTITUTIONS
- □ OMVC – COMMERCIAL DRIVING EXAM ADMINISTER
- □ OMVE – EMPLOYEE ISSUING COMMERCIAL DL
- □ OMVI – CONTRACT PROCESS INQUIRY/TRANSACTION
- □ OMVT – AUTO TITLE COMPANY / PUBLIC TAG AGENT
- □ PHARMACY BOARD
- □ POST SECONDARY EDUCATION
- □ PRACTICAL NURSING
- □ PRIVATE ADOPTION
- □ PRIVATE INVESTIGATORS
- □ PRIVATE SECURITY
- □ PUBLIC HOUSING
- □ REGISTERED NURSING
- □ RELIGIOUS ACTIVISTS
- □ SCHOOL
- □ SUPREME COURT COMMITTEE BAR ADMISSION
- □ TAXI DRIVERS
- □ TESS WINDOW TINT
- □ VOLUNTEER LOUISIANA COMMISSION
- □ WILDLIFE AND FISHERIES
- □ WORKING WITH CHILDREN

APPLICANTS FULL NAME: _____
****PRINT – USE INK**** LAST FIRST MIDDLE
{INCLUDE MAIDEN NAME & PREVIOUS MARRIED NAMES IF APPLICABLE}

APPLICANTS SIGNATURE: _____

APPLICANTS SOCIAL SECURITY # _ _ _ - _ _ - _ _ _ _ DATE OF BIRTH: _ _ / _ _ / _ _

ID or DRIVERS LICENSE #_____& STATE _____ RACE ____ SEX ____

POSITION OR LICENSE APPLIED FOR _____

AUTHORIZATION TO DISCLOSE CRIMINAL HISTORY RECORDS INFORMATION

By my signature above, I hereby authorize the Louisiana State Police to release all pertinent criminal record information maintained in their files, other states files, or the FBI files (if applicable) which may confirm or deny my eligibility with the facility or agency named above. Pursuant to Title 28, C.F.R., Section 16.34, officials making the determination of suitability for licensing or employment shall provide the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record.

RS 46:51.2

§51.2. Criminal history and central registry information

A.(1) No person shall be hired by the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, until both the following conditions are met:

(a) The person has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that the person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

(b) The department has conducted a search of the state central registry of justified abuse or neglect, hereafter referred to as "central registry", reports and has determined that the individual's name is not recorded therein. The search shall be limited to those names recorded on the state central registry subsequent to January 1, 2010. If the individual's name is or was entered on the state central registry that individual may make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the department.

(2) Any employee of the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and whose name is recorded on the state central registry subsequent to January 1, 2010, shall be terminated by the department. A permanent classified employee shall not be terminated until he has exhausted his administrative appeal rights pursuant to Children's Code Article 616.1.1.

(3) The department shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, necessary to implement the provisions of this Subsection.

(4)-(11) Repealed by Acts 2017, No. 348, §5.

(12) No person shall be hired by any organization listed in Subsection F of this Section until such person has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). The provisions of this Section shall also apply to volunteers of such organizations.

(13) Repealed by Acts 2017, No. 348, §5.

B. No operator, staff person, or employee of a juvenile detention, correction, or treatment facility shall be hired by the department until such person has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

C.(1) No prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, does not have any of the following:

(a) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.

(b) A felony conviction for physical assault, battery, or a drug-related offense which occurred within the past five years.

(c) A felony conviction for a crime listed in R.S. 15:587.1(C), other than a crime listed in Subparagraph (a) or (b) of this Paragraph, unless an assessment of the circumstances of the crime and of the current situation of the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, has been conducted by the department and it has been determined that the child would not be at risk if placed in the home.

(2) Nothing in this Subsection shall be construed to prohibit or prevent the department or its employees from considering any prior convictions of the prospective foster or adoptive parent, relative guardian, or any other adult living in the household in determining whether to place a child in a foster home for temporary care or for adoption. For the purposes of this Paragraph, "any other adult living in the household" does not include a youth participating in the Extended Foster Care Program.

D. The department shall establish by regulation requirements and procedures consistent with the provisions of R.S. 15:587.1 under which such determination shall be made. For those listed in Subsection A, B, or C of this Section, this regulation shall include the requirement and the procedure for the submission of fingerprints in a form acceptable to the Bureau of Criminal Identification and Information.

E.(1) The department shall establish by regulation requirements and procedures consistent with the provision of R.S. 15:587.1 under which the organizations listed in Subsection F of this Section may request information concerning whether or not a person in one of the following categories has been arrested for or convicted of or pled nolo contendere to any criminal offense:

(a) Employees.

(b) Candidates for employment.

(c) Volunteer workers.

(d) Repealed by Acts 2017, No. 348, §5.

(2) This information may be requested only about a person who has, or has applied or volunteered for, a position in the organization which includes supervisory or disciplinary authority over children.

F. Any responsible officer or official, as the department may determine, of the following organizations or the department may request the specified criminal history information:
(1) A child-placing agency, maternity home, or residential home as defined in R.S. 46:1403 or a juvenile detention facility.

(2) Any other organization that the department determines, upon request of the organization, to have supervisory or disciplinary authority over children outside of the home to such extent that the department determines that the well-being and safety of children justifies giving the organization access to the specified criminal history information of those who work or have volunteered to work with the organization.

(3)(a) Any other child care provider organization with the prior written consent of the person whose criminal history information is being requested. As used in this Paragraph, the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child. The check shall be conducted by the Department of Public Safety and Corrections, division of state police, for a reasonable fee established by the department. As used in this Paragraph, the term "provider" shall include a person who is employed by or volunteers with a child care provider organization. As used in this Paragraph, the term "child care provider organization" shall include but not be limited to "Big Brother/Sister" programs and scouting programs.

(b) The Department of Public Safety and Corrections, division of state police, shall not be liable in civil damages for failure to provide the criminal history checks requested nor shall the child care provider be liable in civil damages for failure to make such a request.

G. Notwithstanding any other provision of law, the department is prohibited from receiving or releasing the results of a national criminal history check unless the receipt or release is permitted by federal law or regulation.

H.(1) The department shall execute a survey to assess the impact and cost of conducting national criminal history records checks and all arrest records checks on potential owners, operators, employees, and volunteers of a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department and develop a statewide implementation plan prior to requesting that funds be appropriated for conducting the searches. The department shall submit a report of the survey results, anticipated costs, and implementation plan to the legislature for their consideration in appropriation decisions. The department shall implement the plan to conduct national criminal history records checks on potential owners, operators, employees, or volunteers of a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department only upon the appropriation of funds by the legislature for such purpose.

(2) Upon appropriation of funds by the legislature and implementation of the plan in accordance with Paragraph (1) of this Subsection, the Bureau of Criminal Identification and Information shall make available to the department, all criminal history record information as defined in R.S. 15:576 related to potential owners, operators, employees, or volunteers of a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department.

(3) Upon appropriation of funds by the legislature and implementation of the plan in accordance with Paragraph (1) of this Subsection, the Bureau of Criminal Identification and Information shall facilitate national criminal history record checks of potential owners, operators, or employees, or volunteers of a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department by receiving and forwarding fingerprint cards to the Federal Bureau of Investigation. The department is authorized to receive and screen the results of the state and national criminal history record checks in order to assess the criminal history of a potential owner, operator, employee, or volunteer of a child-placing agency, maternity home, residential home, or juvenile detention facility licensed by the department. The department shall maintain the confidentiality of criminal history information received in accordance with applicable federal or state law.

Acts 1986, No. 760, §3, eff. Jan. 1, 1987; Acts 1989, No. 14, §3; Acts 1994, 3rd Ex. Sess., No. 55, §1, eff. July 7, 1994; Acts 1997, No. 1067, §1; Acts 1999, No. 1144, §2, eff. Jan. 1, 2000; Acts 2008, No. 649, §3; Acts 2009, No. 47, §1, eff. June 15, 2009; Acts 2009, No. 221, §2, eff. Jan. 1, 2010; Acts 2014, No. 406, §1; Acts 2017, No. 348, §§3, 5, special eff. date; Acts 2019, No. 33, §1.

*NOTE: See Acts 1985, No. 286.

RS 46:1414.1

NOTE: Section heading eff. until the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

§1414.1. Disclosure requirements; penalties

NOTE: Section heading eff. upon the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

§1414.1. State central registry

NOTE: Subsections A-C eff. until the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

A. Any owner, operator, current or prospective employee, or volunteer of a specialized provider licensed by the Department of Children and Family Services shall report annually and at any time upon the request of the department on the state central registry disclosure form promulgated by the department whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect and he is the named perpetrator.

B. Any such current or prospective employee or volunteer of a specialized provider licensed by the department shall submit the state central registry disclosure form to the owner or operator of the specialized provider, who shall maintain the documents in accordance with current department licensing requirements. Any state central registry disclosure form that is maintained by a specialized provider licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the investigations of abuse and neglect.

C. Any owner, operator, current or prospective employee, or volunteer of a specialized provider licensed by the department who knowingly falsifies the information on the state central registry disclosure form shall be guilty of a misdemeanor offense and shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

NOTE: Subsections A-C eff. upon the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

A. Any owner, operator, current or prospective employee, or volunteer of a specialized provider requesting licensure or licensed by the Department of Children and Family Services is prohibited from being employed by the specialized provider if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

B. If the individual's name is or was entered on the state central registry, that individual may make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the department.

C. The department shall promulgate, in accordance with the Administrative Procedure Act, all rules and regulations necessary to implement the provisions of this Section.

NOTE: Subsections D and E eff. until the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

D. Any owner, operator, current or prospective employee, or volunteer of a specialized provider licensed by the department who discloses that he is currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by the department to determine that the individual does not pose a risk to children or youth. Any such individual who is determined to pose a risk to children or youth shall have the right to file an appeal in accordance with R.S. 49:992 of the Administrative Procedure

Act. Any such determination by the risk evaluation panel shall be kept on file at all times by the department.

E. The department shall promulgate rules and regulations to implement this Section. The rules and regulations shall include but not be limited to establishing criteria for risk evaluation requests, the composition of the risk evaluation panel, and establishing criteria for risk evaluation determinations.

NOTE: Subsections D and E eff. upon the promulgation of certain rules by the Dept. of Children and Family Services. See Acts 2017, No. 348, §7.

D., E. Repealed by Acts 2017, No. 348, §5, special eff. date.

Acts 2009, No. 388, §1, eff. Jan. 1, 2010; Acts 2014, No. 868, §5, eff. Oct. 1, 2014; Acts 2016, No. 502, §1; Acts 2017, No. 348, §§3, 5, special eff. date.

SCR-1 LIC
Rev. 01/13
06/11 Issue Obsolete

STATE OF LOUISIANA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
STATE CENTRAL REGISTRY DISCLOSURE FORM

This form must be completed by each individual owner, operator, administrator, current or prospective employee or volunteer of a child care facility or juvenile detention facility licensed by the Louisiana Department of Children and Family Services for themselves. Any owner, operator, administrator, current or prospective employee, or volunteer of a child care facility or juvenile detention facility licensed by the department who knowingly falsifies the information on the State Central Registry Disclosure Form shall be guilty of a misdemeanor offense and shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both. R.S. 46:1414.1.C or R.S. 15:1110.2(C).

This form shall be maintained by the owner/operator of the licensed facility in accordance with current licensing standards as mandated by R.S. 46:1414.1.B or R.S. 15:1110.2(B).

Name of Licensed Facility (Print or Type)

Physical Address of Licensed Facility | License #

Name of Individual/Applicant (Print or Type) | Date of Birth | Social Security #

Maiden, Previous or Any Other Name Used | Race | Sex

Current Street Address | City and State | Zip Code

Most Recent Previous Address | City and State | Zip Code

( ) - | ( ) - | ( ) -
Current Home Phone # | Current Cell Phone # | Work Phone #

My name ☐ is ☐ is not (check one) currently recorded as a perpetrator on the State Central Registry for what the Department of Children and Family Services (DCFS) has determined to be a justified (valid) finding of child abuse or neglect.

I ☐ have ☐ have not been determined to have a justified (valid) finding of abuse or neglect since the Risk Evaluation Panel finding.

If the DCFS Licensing Section has reasonable suspicion or is provided with facts or information that your name is on the State Central Registry as a perpetrator with a valid/justified finding of abuse and/or neglect, the Licensing Section may request a clearance of the SCR without your permission. If your name does in fact appear on the SCR as described above, the department will notify both your employer (the facility named above) and the appropriate District Attorney's office of your failure to comply with R.S. 46:1414.1 or R.S. 15:1110.2.

The information given is true and complete to the best of my knowledge.

Signature | Date

Signature of Licensed Facility Representative | Date

RS 15:587.1

§587.1. Provision of information to protect children

A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71, Children's Code Article 424.1, and R.S. 46:51.2, any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, and as provided in R.S. 46:51.2(A), the Department of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and for individuals who are employed by or contracted staff of a child care institution, as defined in 42 U.S.C. 672, licensed by the department, shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

(b) In responding to a request for information as provided for in Subparagraph (a) of this Paragraph, the bureau shall make available a record of all criminal arrests and convictions prior to the date of request. Any recipient of such information as provided in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

(c) The bureau, upon receiving a request as provided for in Subparagraph (a) of this Paragraph, shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested or convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been arrested or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

(2) In addition to the requirements of Paragraph (1) of this Subsection, in responding to a request pursuant to R.S. 17:15, the bureau shall make available to the state Department of Education and to the governing authority of any elementary and secondary school a record of all criminal convictions prior to the date of request. Any recipient of such information as provided in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

B.(1) Upon receiving a request pursuant to the provisions of R.S. 17:15, 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the requirements of Subsection A of this Section, the bureau of criminal identification and information shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau of criminal identification and information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

(2)(a) When an individual's record contains information which has been expunged, the bureau shall include in its report to the requesting person or entity the date of the arrest and a notation that the individual's record contains information which has been expunged and that the requestor may contact the bureau in order to obtain further information regarding the expunged information.

(b) The bureau shall establish policies and procedures by which the persons and entities enumerated in this Section may be furnished with expunged information. These policies and procedures shall not require the requesting person or entity to personally appear at the office of the bureau in order to obtain access to the expunged information.

(c) The requesting person or entity, upon receiving the expunged information, shall maintain the confidentiality of the information as provided by law, and the expunged information shall not be deemed a public record.

(d) The information may be used or admitted as evidence in any court proceeding or employment or disciplinary hearing in which the receiving person or entity is an authorized participant.

C. The provisions of R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

(1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8, R.S. 14:41 through R.S. 14:45, R.S. 14:46.4, R.S. 14:74, R.S. 14:78, R.S. 14:78.1, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, crimes of violence as defined in R.S.14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

(2) Those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and

(3) Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude.

D.(1) The costs of providing the information required under this Section shall be charged by the bureau to the private employer or to the department, office, or other agency of government which has given, or is considering giving, a person supervisory or disciplinary authority over children or which made the request for information pursuant to the provisions of R.S. 17:15 or R.S. 46:51.2. Neither the individual applicant nor a judge exercising juvenile jurisdiction shall bear such costs.

(2) The prohibition in Paragraph (1) of this Subsection against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:15, 407.42, or 407.71 or R.S. 46:51.2.

E. In addition to any penalties otherwise imposed under the provisions of this Chapter, the head of or other responsible person for any public entity who fails to comply with the provisions of Subsection A of this Section or who employs any person in violation of the provisions of R.S. 15:825.3, R.S. 17:15, or R.S. 46:51.2(A) or (B), shall be fined not more than five hundred dollars.

F. This Section may be cited as the "Louisiana Child Protection Act".

G. Notwithstanding any other provision of law to the contrary, the bureau and the Department of Public Safety and Corrections, corrections services, may utilize the National Crime Information Center to conduct such background checks as are required by this Section.

H. Any licensed child placement agency as defined in Children's Code Article 1169 and any person authorized to conduct preplacement home studies pursuant to Children's Code Article 1172 shall be entitled to information from the bureau to ascertain whether a person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the licensed child placement agency or person authorized to conduct preplacement adoption home studies, make available to the agency or person only that information contained in the bureau's criminal history record and identification files necessary in determining whether a person has been arrested for or convicted of, or pled nolo contendere to, a crime. The bureau shall charge the cost of providing such information to the agencies and persons entitled to receive the information as provided in this Subsection.

I. Notwithstanding any other provision of law to the contrary, the Department of Children and Family Services, office of children and family services, may utilize the National Crime Information Center to conduct background checks authorized in R.S. 15:587 when investigating or responding to reports of abuse or neglect as provided for in Section 151 of Public Law 109-248.

J. Any Court Appointed Special Advocate program as defined in Children's Code Article 116(2.1) shall be entitled to information from the bureau to ascertain whether a person being considered for involvement with the CASA program has been arrested for, or convicted of, or pled guilty or nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the CASA program, survey its criminal history records and identification files. The Court Appointed Special Advocate program may request the bureau to make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The Louisiana Bureau of Criminal Identification and Information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled guilty or nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled guilty or nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

Acts 1986, No. 760, §1, eff. Jan. 1, 1987; Acts 1987, No. 735, §1; Acts 1989, No. 92, §1; Acts 1989, No. 198, §1; Acts 1989, No. 701, §1; Acts 1991, No. 125, §1; Acts 1993, No. 923, §1; Acts 1995, No. 1171, §1; Acts 1997, No. 904, §2, eff. July 10, 1997; Acts 1997, No. 1067, §1; Acts 1999, No. 816, §1; Acts 1999, No. 1052, §1, eff. July 1, 1999; Acts 1999, No. 1144, §1, eff. Jan. 1, 2000; Acts 2001, No. 314, §1, eff. June 6, 2001; Acts 2003, No. 896, §1, eff. July 1, 2003; Acts 2006, No. 233, §1; Acts 2006, No. 309, §1; Acts 2008, No. 649, §1; Acts 2009, No. 221, §1, eff. Jan. 1, 2010; Acts 2010, No. 355, §1; Acts 2010, No. 781, §1; Acts 2011, No. 283, §1; Acts 2012, No. 374, §1, eff. May 31, 2012; Acts 2014, No. 721, §3; Acts 2014, No. 868, §1, eff. Oct. 1, 2014; Acts 2015, No. 354, §1, eff. July 1, 2015; Acts 2016, No. 646, §3, special eff. date; Acts 2017, No. 423, §§1, 6, special eff. date; Acts 2019, No. 243, §1, eff. June 11, 2019.

FACILITY NAME **Calendar Year**

EMPLOYEE	DATE OF HIRE	Date State Police Criminal Background Check Requested	Date State Police Criminal Background Check Returned	Date began working w/ youth	Annual Criminal Background Check Date	Initial SCR Form Date	Annual SCR Form Date	Termination of Employment Date

FACILITY NAME **Calendar Year**

EMPLOYEE	DATE OF HIRE	Date State Police Criminal Background Check Requested	Date State Police Criminal Background Check Returned	Date began working w/ youth	Annual Criminal Background Check Date	Initial SCR Form Date	Annual SCR Form Date	Termination of Employment Date

FACILITY NAME **Calendar Year**

EMPLOYEE	DATE OF HIRE	Date State Police Criminal Background Check Requested	Date State Police Criminal Background Check Returned	Date began working w/ youth	Annual Criminal Background Check Date	Initial SCR Form Date	Annual SCR Form Date	Termination of Employment Date

Confidential
Department of Children and Family Services/Child Welfare
Written Report Form for Mandated Reporters of Child Abuse/Neglect

I understand that I am making a report of child abuse and/or neglect in good faith and in accordance with the Louisiana Children's Code, Article 610 D. which requires me, as a mandated reporter, to send a written report to the Department of Children and Family Services (DCFS) or law enforcement within five days of having made an initial oral report. I understand that I may report suspected abuse and/or neglect in writing instead of an oral report.

Use: This form is available for you to use to make a written report of child abuse and/or neglect to DCFS or law enforcement. If you are unable to print out the form, contact any DCFS parish or regional office and one will be sent to you.

Completion: Complete each item with information known by you that may be pertinent to the suspected abuse/neglect. **If there are items for which you have no information, please complete with "Unknown". It is not necessary for you to try and get all information requested.** If you need more space, please add a page. Once completed, it may be printed out and mailed or faxed to the DCFS office for the parish where the child lives or where you made the report. The local offices, addresses and fax numbers are on this web site (www.dcfs.la.gov.). If you have not yet made a report to DCFS, please fax this form as soon as possible. **Thank you for your interest and commitment to the safety and well being of children.**

This Written Report is: ☐ Initial Written Report to DCFS ☐ Report to Law Enforcement
☐ Follow-up to oral report to DCFS on: (Date) _____ to (Parish) _____
DCFS Office

Is there any danger to a worker? ☐ None known ☐ Yes, Explain _____

Suspected Child Victim(s):

1. Name: _____ DOB/Age: _____ Race: _____ Sex: _____
2. Name: _____ DOB/Age: _____ Race: _____ Sex: _____
3. Name: _____ DOB/Age: _____ Race: _____ Sex: _____

Home Address: _____ Telephone: _____

Parents/Caretakers Names: _____

Others in Home: (Children & Adults if known)
_____ Age: _____ Race: _____ Sex: _____
_____ Age: _____ Race: _____ Sex: _____
_____ Age: _____ Race: _____ Sex: _____
_____ Age: _____ Race: _____ Sex: _____

Suspected Perpetrator(s): _____ Relationship to Child: _____
Suspected Perpetrator(s): _____ Relationship to Child: _____

Suspected Perpetrator's Address: _____

Nature, extent and cause of each child's injuries, neglect or endangered condition, including any previous known or suspected abuse to this child or the child's siblings: _____

DCFS/CW Form CPI-2
Reissued: 01/12 Replacing: 6/08

Suspected Child Victim's Name (from Page 1): _____

What is current circumstance/condition of the child victim and are they currently in danger of serious injury or harm? Why? _____

Identity of any child or adult who gave any explanation of the child's injury or condition, along with the date and details of the explanation: _____

How and when did this child(ren) victim come to your attention? _____

What services and/or referrals have been provided to the child/family by you or your agency/facility? _____

Have you previously reported abuse/neglect on this child or any of his siblings? ☐ No ☐ Yes
If yes, please give number of times, approximate dates, persons reported, office to which reported and outcome, if known:

What is going well for the family; areas of parenting they handle adequately; and, was there a time when they adequately cared for or protected the child(ren), if known? _____

Other Pertinent Information (other persons with information about the family and way to contact)

Reporter's Printed Name: _____ Phone # to Contact: _____

Signature: _____ Date: _____ Best Contact Time: _____

Position/Type of Reporter: _____ Agency/Provider: _____

Reporter's Address: _____

Home Pass Evaluation Checklist

Date of Leave: _____Date of Return: _____

Once a resident has progressed through the level system and is on the highest or near highest level, he/she is eligible for home pass. There may be an occasion where a scheduled home/holiday pass may have to be rescheduled for a later time.

Please check the following behaviors that were present during home visit.
___ Breaking Curfew
___Refusing to do chores
___ Possession of alcohol or drugs
___ Running Away
___ Stealing
___ Fighting

Interaction with others: Excellent. ____ Average ____ Poor ____

Note: To be completed by parent or legal guardian only.

Comments/Concerns
_____
_____
_____

_____ _____
Case Manager Parent/Legal Guardian Signature

Home Rules Contract

for

_____**Family**

(last name of family)

All family members, whose signatures are present on this document below, are in agreement with and will follow the rules and consequences of this Home Rules Contract as listed:

RULE 1:

_____

Consequence:

_____

Privilege:

_____

RULE 2:

_____

Consequence:

_____

Privilege:

_____

RULE 3:

_____

Consequence:

_____

Privilege:

_____

RULE 4:

_____

Consequence:

_____

Privilege:

_____

Signatures of family members *(contract must be signed by all family members involved in contract)*
Caregivers Other Caregivers

_____	_____
Parent	Grandparent #1
_____	_____
Parent	Grandparent #2
_____	_____
Step Parent	Other Caregiver #1
_____	_____
Step Parent	Other Caregiver #2
_____	_____
Teen/Sibling #1	Teen/Sibling #2
_____	_____
Teen/Sibling #3	Teen/Sibling #4

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Title 28
EDUCATION
Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

Chapter 1. Individualized Education Program (IEP)

§101. Introduction

A. *Louisiana's IEP Handbook for Students with Exceptionalities* outlines the legal procedures of the IEP process as mandated by the *Individuals with Disabilities Education Act* (IDEA) and Revised Statute 17:1941, et seq., and their regulations. The handbook provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with exceptionalities in Louisiana. *Bulletin 1872, Extended School Year Program Handbook*, and *Bulletin 1891, Louisiana's IEP Handbook for Gifted/Talented Students*, have been repealed, and information from the bulletins has been integrated into the IEP Handbook. The IEP, including the Gifted/Talented IEP and Services Plan for students parentally placed in private schools, shall be developed using a format approved by the Louisiana Department of Education (LDE).

B. The term *exceptionalities* used in this document includes all disabilities identified under IDEA, including gifted and/or talented as defined in state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2331 (November 2009).

§103. Free Appropriate Public Education (FAPE)

A. A student is initially determined to have an exceptionality through the full and individual initial evaluation process. The responsibility for making a formal commitment of resources to ensure a free appropriate public education (FAPE) for a student identified as exceptional rests with the local education agency (LEA) in which the student resides.

B.1. The LEA is responsible for initiating the assurance of FAPE regardless of whether the LEA will:

a. provide all of the service directly or through interagency agreements; or

b. place the student in another LEA or in a private school facility; or

c. refer the student to another LEA for educational purposes.

2. This does not apply to students who are parentally placed in private schools.

C. The LEA is required to offer FAPE to those students with disabilities ages 3 through 21 years.

1. The child is eligible for FAPE on his 3rd birthday.

2. The responsibility for providing services to a student identified as exceptional continues until:

a. the student receives a state diploma; or

b. the student reaches his or her 22nd birthday. When the 22nd birthday occurs during the course of the regular school session, and all action steps in the transition plan have not been completed, the student should be allowed to remain in school for the remainder of the school year.

D. The LEA is not responsible for providing FAPE when, after carefully documenting that the agency has offered FAPE via an IEP, the parents choose to voluntarily enroll the student elsewhere or indicate their refusal of special educational services. Documentation of these parental decisions should be kept on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009).

§105. Timelines

A. An initial evaluation is considered "completed" when the written report has been disseminated by the pupil appraisal staff to the administrator of special education programs. A LEA has a maximum of 30 calendar days to complete the IEP/placement document for an eligible student. During this time, two activities shall take place and be documented.

1. Written Notice. Written notice that the LEA proposes to provide FAPE through the IEP process shall be given to the parents.

a. The notice shall be provided in the parents' native language or shall be given using other means of communication, whenever necessary, to ensure parental understanding.

b. The notice shall indicate the purpose, time, and location of the IEP Team meeting; who will be in attendance; when a LEA IEP Team member needs to be excused from attending the meeting; the parents' right to take other participants to the meeting; the student's right to participate (when appropriate); and the name of the person in the LEA the parents can contact when they have questions or concerns.

c. The notice shall explain the procedural safeguards available to the parents; that they can negotiate the time and place of the IEP Team meeting; that they have the right to full and meaningful participation in the IEP decision-making process, know their consent is required before initial placement will be made and that all information about the student shall be kept confidential.

d. When it appears that a student with a disability may be eligible to participate in one of the alternate assessments, the notice shall explain that data appear to support the student's participation in alternate assessment, and that the decision for participation will be made with the parents at the IEP Team meeting.

e. Additionally, when the LEA has not already done so, the parents shall be informed of their right to an oral explanation of the evaluation report and of their right to an independent education evaluation (IEE) when the parents disagree with the current evaluation.

f. In the case of a child who was previously served under Part C, an invitation to the initial IEP Team meeting, at the request of the parent, will be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services. This only pertains to students with disabilities.

2. An IEP Team meeting that result in a completed IEP/placement document shall be held. This meeting should be a vehicle for communication between parents and school personnel to share formal and informal information about the student's needs, educational projections, and services that will be provided to meet the student's needs. The completed IEP/placement document is a formal record of the IEP Team's decisions. The timeline for completion of the document is intended to ensure that there is no undue delay in providing a free appropriate public education (FAPE) for the student. The IEP form is considered official when the parent and the Official Designated Representative (ODR) sign the document.

a. The IEP Team should consider parental correspondence to the school regarding the student's learning environment, any notes from previous parental conferences, and any data gathered during the screening and evaluation period in the development of the IEP.

b. Implementation of the IEP means that the student begins participating in special education and related services as written on the IEP/placement document. A LEA shall begin providing services as stated on the IEP as soon as possible but no later than ten (10) school days. The date of initiation of services shall be noted on the IEP.

c. Students who have been receiving special education in one LEA in Louisiana who transfer to another LEA within Louisiana shall be enrolled in the appropriate special education program in the receiving LEA with the current IEP or the development of a review IEP within five school days of the transfer.

B. Additional Notes about Timelines

1. Summer Recess. When an initial evaluation report has been completed within the 30 days prior to the summer recess or during the recess, the LEA may request, through written documentation, parental approval to delay the initial IEP Team meeting until the first week of the next school session. However, when the parents wish to meet during the summer recess, the LEA shall ensure that the appropriate IEP Team members are present.

2. Children with Disabilities Approaching Age 3

a. Children with disabilities receiving Part C services (EarlySteps) who are “turning three-years-old” suspected of being eligible for Part B services shall be referred to the LEA when the child is 2 years, 2 months through 2 years, 9 months of age. The Part C Family Service Coordinator will notify the LEA of the date for the transition meeting to determine whether the student shall be evaluated for Part B services. The LEA will begin the evaluation process to determine eligibility. When the child meets eligibility criteria according to *Bulletin 1508, Pupil Appraisal Handbook*, the IEP Team must develop and implement the IEP by the child's third birthday.

b. If the child's birthday occurs during the summer months, the child's IEP team will determine the date when services will begin. Services shall begin no later than the start of the next school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009), amended LR 37:885 (March 2011).

§107. IEP Team Participants

A. At any IEP Team meeting, the following participants shall be in attendance: an officially designated representative of the LEA, the student's regular education and special education teachers, the student's parents, and a person knowledgeable about the student's evaluation procedures and results. The student, as well as other individuals the parents and/or LEA may deem necessary, should be given the opportunity to attend. Documentation of attendance is required.

1. An officially designated representative (ODR) of the LEA is one who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with exceptionalities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the LEA. The LEA may also designate another LEA member of the IEP Team to serve as the agency representative, when the above criteria are satisfied. A LEA shall have on file and shall disseminate within the agency a policy statement naming the kinds of persons who may act as the official representative of the LEA. Representatives may include the director/supervisor of special education, principals, instructional strategists, teachers, or any other LEA employee certified to provide or supervise special educational services. A member of the student's evaluation team may serve in this capacity. A special education teacher

may not serve as the ODR for a student's IEP when he or she is also the student's teacher.

2. Parents are equal participants in the IEP process in discussing the educational and related services needs of the student and in deciding which placement and other services are appropriate. As such, one or both of the student's parents should participate in the initial IEP/placement meeting(s). Other team members shall rely on parents to contribute their perspective of the student outside of school. Parental insight about the student's strengths and support needs, learning style, temperament, ability to work in various environments, and acquired adaptive skills is of vital importance to the team in making decisions about the student's needs and services. The concerns of the parents for enhancing the education of their child shall be documented in the IEP.

a. Parent is defined as a biological or adoptive parent of a child; a foster parent; a guardian, generally authorized to act as the child's parent or authorized to make educational decisions for the child, but not the state if the child is a ward of the state; an individual acting in the place of a biological or adoptive parent of a child (including a grandparent, stepparent, or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed to act in the child's behalf.

b. The LEA shall take measures to ensure that parents and all other team members, including sensorially impaired and non-English-speaking participants, can understand and actively participate in discussions and decision-making. These measures (i.e., having an interpreter or translator) should be documented. LEAs shall further ensure that, for those parents who cannot physically attend the IEP Team meetings, every effort is made to secure parental participation.

c. However, if every documented attempt fails and the IEP/placement document is developed without parental participation, the parents still shall give written informed consent for initial placement before any special education or related services may begin.

i. When conducting IEP Team/placement meetings, the parents of a student with an exceptionality and the LEA may agree to use alternative means of meeting participation such as videoconferences and conference calls.

ii. Visits may be made to the parents' home or place of employment to receive parental suggestions.

iii. Electronic mail. A parent of a student with an exceptionality may elect to receive notices/communication by electronic mail communication, if the LEA makes that option available. Documentation of these communiqués should be kept in the student's IEP folder.

d. When a student with an exceptionality has a legal guardian or has been assigned a surrogate parent by the LEA, that person assumes the role of the parent during the IEP process in matters dealing with special educational services. When a student with an exceptionality is emancipated, parental participation is not mandated. Additionally, when the LEA has been informed that a parent is legally prohibited from reviewing a student's records, that parent may not attend the IEP Team meetings without permission of the legal guardian.

e. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday; the parents will be informed that the rights under Part B of the Act will transfer to the student, unless the student is determined incompetent under state law.

3. An evaluation representative is a required participant at an initial IEP Team meeting. The person may be a member of the pupil appraisal team that performed the evaluation or any person knowledgeable about and able to interpret the evaluation data for that particular student. The evaluation coordinator who coordinated the activities for the reevaluation shall be present at the next scheduled IEP Team meeting when there is a change in classification, or initiation of additional services, or more restrictive environment is proposed for the student. For gifted and/or talented reevaluations, the gifted or talented teacher may serve as the evaluation coordinator.

4. A regular education teacher is at least one of the student's regular teachers (when the student is, or may be, participating in the regular education environment). The teacher must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including the determination of accommodations, appropriate positive behavioral interventions, supports and other strategies, the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

5. A special education teacher is at least one of the student's special education teachers, or when appropriate, at least one special education provider of the student.

a. When a student's only disability is speech or language impairment, then the speech/language pathologist is considered the special education provider.

6. The student should be given the opportunity to participate in the development of the IEP. In many cases, the student will share responsibility for goals and objectives.

a. The LEA shall invite a student with a disability at any age to attend his or her IEP Team meeting if the purpose of the meeting will be the consideration of postsecondary goals and the transition services needed in reaching those goals. The LEA shall invite the student and, as part of the notification to the parents of the IEP Team meeting, inform the parents that the LEA will invite the student to the meeting.

b. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday, the student shall be informed that his or her rights under Part B of the Act will transfer to him or her unless he or she has been determined incompetent under state law.

7. Other individuals can be invited, at the discretion of the parent or LEA, who have knowledge or special expertise

regarding the student, including related service personnel as appropriate. The LEA also shall inform the parents of the right of both the parents and the agency to invite other individuals who have knowledge or special expertise regarding the child, including related service personnel as appropriate to be members of the IEP Team. The LEA may recommend the participation of other persons when their involvement will assist in the decision-making process.

a. It is also appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be inviting to the meeting. Parents are encouraged to let the agency know whom they intend to invite. Such cooperation can facilitate arrangements for the meeting and help ensure a productive, child-centered meeting.

b. The determination of the knowledge or special expertise of any individual described above shall be made by the parent or LEA who invited the individual to be a member of the IEP Team.

c. When the LEA responsible for the initial IEP/placement process considers referring or placing the student in another LEA, the responsible LEA must ensure the participation of a representative of the receiving LEA at the IEP Team meeting.

d. The LEA shall ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

B. IEP Team Member Excusal

1. A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, when the parent of the student with an exceptionality and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

2. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, when:

a. the parent, in writing, and the public agency consent to the excusal; and

b. the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2332 (November 2009).

§109. Accessibility of the Student's IEP

A. The student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and

1. Each teacher and provider is informed of:

a. his or her specific responsibilities related to implementing the student's IEP; and

b. the specific accommodations, modifications, and supports that shall be provided for the student in accordance with the IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2334 (November 2009).

§111. The Three Types of IEPs for Students with Exceptionalities

A. The *Initial IEP* is developed for a student with an exceptionality who has met criteria for one or more exceptionalities outlined in *Bulletin 1508, Pupil Appraisal Handbook* and who has never received special educational services, except through an interim IEP, from an approved Louisiana school/program.

B. The *Review IEP* is reviewed and revised at least annually or more frequently to consider the appropriateness of the program, placement, progress in the general education curriculum and any related services needed by the student.

C. The *Interim IEP* shall be developed for students who have severe or low incidence impairments documented by a qualified professional concurrent with the conduct of an initial evaluation according to *Bulletin 1508, Pupil Appraisal Handbook*.

1. An interim IEP may also be developed for students who have been receiving special educational services in another state concurrent with the conduct of an initial evaluation.

2. An interim IEP may also be developed concurrent with the conduct of an initial evaluation for a student out-of-school, including students ages three- through- five, who are suspected of having a disability and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2334 (November 2009).

§113. IEP Amendments

A. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making

those changes, and instead may amend or modify the student's current IEP.

1. Procedural safeguards for reconvening the IEP Team meeting shall be followed.

2. If changes are made to the student's IEP, the LEA must ensure that the student's IEP Team is informed of those changes.

3. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by amending the IEP rather than by redrafting the entire IEP.

4. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009).

§115. Placement Considerations

A. The IEP Team, following a discussion of the student's educational needs, shall choose a setting in which the educational needs will be addressed. The official designated representative shall be knowledgeable about placement considerations and shall be responsible for informing the IEP Team members. The IEP Team, including the parent, shall participate in discussions and decisions made about the placement. The term placement refers to the setting or class in which the student will receive special educational services.

B. Placement Considerations for Students with Disabilities whose ages are 6-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where would the student attend school if he or she did not have a disability?

b. Has the student, as a special education student, ever received special educational instruction or services within the general education environment?

c. What accommodations and/or modifications have been used to support the student as a special education student in the general education class?

d. After a review of the accommodations and/or modifications provided, what additional strategies and supports have been determined to facilitate the student's success in the general education setting?

e. When the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used for providing services in the general education classroom?

f. Based on IEP goals and/or objectives/benchmarks, what instructional settings would support the achievement of these goals and/or objectives/ benchmarks?

g. When the decision has been made to provide the student with instruction and/or services outside the general education setting, what specific opportunities will the student have for integration in general education activities?

C. Placement Considerations for Students with Disabilities whose ages are 3-5.

1. For the location of instruction/services, the IEP Team should consider the following.

a. Where would the student spend the majority of the day if the student did not have a disability (natural environment)?

b. Can the services identified on the IEP be provided in the student's natural environment?

i. If not, what changes should be made in that environment to enable the required services to be delivered there?

ii. If not, what programming and/or placements/services options are necessary to meet the student's identified needs while providing meaningful opportunities for interactions with peers without disabilities?

c. What accommodations, supports, and/or related services are needed to meet the student's identified needs?

D. Placement Considerations for Students who are Gifted and/or Talented whose ages are 3-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where the student would attend school if he or she did not have an exceptionality?

b. Based on IEP goals, what instructional settings would support the achievement of these goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009).

§117. Placement/Least Restrictive Educational Environments

A. For Students with Exceptionalities ages 6-21. The Educational Environments are listed below in a continuum from least to most restrictive. This list is not a continuum of least restrictive environment for the deaf or hard-of-hearing students. The list should not be considered a continuum of least restrictive environment for students receiving gifted and talented services.

1. Inside the regular class 80 percent or more of the day

a. A regular class with special education/related services provided within regular classes; a regular class with special education/related services provided outside regular classes; or a regular class with special education services provided in resource rooms.

2. Inside regular class no more than 79 percent of day and no less than 40 percent of the day

a. Resource rooms with special education/related services provided within the resource room; or resource rooms with part-time instruction in a regular class.

3. Inside regular class less than 40 percent of the day

a. Self-contained special classrooms with part-time instruction provided in a regular class, or a self-contained special classroom with full-time special education instruction on a regular school campus.

4. Separate School

a. Public and private day schools for students with disabilities; public and private day schools for students with disabilities for a portion of the school day (greater than 50 percent) and in regular school buildings for the remainder of the school day; or public and private residential facilities when the student does not live at the facility.

5. Residential Facility

a. Public and private residential schools for students with disabilities; or public and private residential schools for students with disabilities for a portion of the school day (greater than 50 percent) and in separate day schools or regular school buildings for the remainder of the school day.

6. Hospital/Homebound

a. Hospital programs or homebound programs—students should be receiving a minimum of 4 hours of services per week. Refer to Bulletin 741, §1103 for more information.

7. Correctional Facilities

a. Short-term detention facilities (community-based or residential); or correctional facilities

B. For Students with Exceptionalities Ages 3-5. In determining the appropriate setting for a preschool-aged student, each setting noted shall be considered; but the list should not be considered a continuum of least restrictive environment. The settings for preschool-aged students, three through five years, are defined as follows.

1. For Students with Disabilities Ages 3-5

a. Attending a regular early childhood program at least 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

(a). regular early childhood programs include, but are not limited to Head Start, kindergarten, private kindergarten or preschools, preschool classes offered to an eligible pre-kindergarten population by the LEA (e.g., LA 4, Title I); and group child development center or child care;

ii. receives the majority of special education and related services in some other location.

b. Attending a regular early childhood program less than 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

ii. receives the majority of special education and related services in some other location.

c. In early childhood special education—separate class:

i. attends a special education program in a class that includes less than 50 percent nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings; child care facilities; hospital facilities on an outpatient basis; and other community-based settings.

d. In early childhood special education—separate school:

i. receives special education in a public or private day school designed specially for children with disabilities.

e. In early childhood special education—residential facility:

i. receives special education in a public or privately operated residential school or residential medical facility on an inpatient basis.

f. Receiving special education and related services at home:

i. when the child does not attend a regular early childhood program or special education program, but the child receives some or all of his/her special education and related services in the home. Children who receive special education both in a service provider location and at home should be reported in the home category.

g. Receiving special education and related services at service provider location:

i. when the child receives all of their special education and related services from a service provider and does not attend an early childhood program or a special education program provided in a separate class, separate school, or residential facilities. For example, speech therapy is provided in private clinicians' offices; clinicians' offices located in school buildings; hospital facilities on an outpatient basis, and libraries and other public locations.

2. For Students who are Gifted and/or Talented Ages 3-5

a. Attending a regular early childhood program at least 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

(a). regular early childhood programs include, but are not limited to Head Start, kindergarten, private kindergarten or preschools, preschool classes offered to an eligible pre-kindergarten population by the LEA (e.g., LA 4, Title I), and group child development center or child care;

ii. receives the majority of special education and related services in some other location.

b. Attending a regular early childhood program less than 10 hours per week:

i. receives the majority of special education and related services in the regular early childhood program;

ii. receives the majority of special education and related services in some other location.

c. In early childhood special education—separate class:

i. attends a special education program in a class that includes less than 50 percent nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings, and child care facilities.

d. In early childhood special education—residential facility:

i. attends a public or privately operated residential school or residential medical facility on an inpatient basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2335 (November 2009), amended LR 37:885 (March 2011).

§119. Parental Consent

A. A LEA shall obtain formal parental and/or student consent before it can initially provide a student with special education and related services in any setting.

1. The student's consent is needed once the student reaches the age of majority, which is age eighteen (18) in Louisiana. When a student reaches the age of majority that applies to all students, except for a student who has been determined to be incompetent under state law, the student shall be afforded those rights guaranteed at such age.

B. Consent includes the following:

1. the parent and/or student has been fully informed of all relevant information in a manner that is clearly understandable to the parent and/or student, and

2. the parent and/or student formally agree in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2336 (November 2009).

§121. Parental Disagreement with Provision of Services/Placement

A. Parents may disagree with all or some parts of the program, placement, or related services proposals. The LEA and the parents should make conciliatory attempts to resolve the disputes, including making modifications to the proposed program, placement, and related services. A LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§123. Parental Withholding of Consent

A. When the parent of the student refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the LEA:

1. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

2. will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the special education and related services for which the public agency requests consent; and

3. is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which the public agency requests such consent.

B. If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services the LEA:

1. may not continue to provide special education and related services to the student, but must provide prior written notice in accordance with *Bulletin 1706* before ceasing the provision of special education and related services;

2. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

3. will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and

4. is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§125. Dispute Resolution Options

A. The LDE has adopted written procedures regarding the resolution of any complaint related to the identification, evaluation, educational placement, the level of services or placement, the provision of a free appropriate public education (FAPE) or payment for services that the parent has obtained for a student with a disability. The *Parent's Guide to Special Education Dispute Resolution* is designed to assist parents in understanding the Louisiana dispute resolution systems. The guide can be located at www.doe.state.la.us/lde/eia/2114.html.

B. IEP Facilitation is a new dispute resolution method. This option is available to parents and school districts when they both agree that it would be valuable to have a neutral person (IEP Facilitator) present at an IEP Team meeting to assist them in discussing issues regarding the IEP. Typically, an IEP Facilitator is brought in when parents and school district staff are having difficulties communicating with one another about what the student needs.

C. Informal Complaints/Early Resolution Procedures (ERP). It is the policy of the LDE to encourage and support prompt and effective resolution of any administrative complaint in the least adversarial manner possible. The implementation of the ERP by each LEA draws on the traditional model of parents and schools working cooperatively in the educational interest of the students to achieve their shared goal of meeting the educational needs of students with disabilities.

1. Formal administrative complaints are procedures developed under the supervisory jurisdiction of LDE to address allegations that an LEA is violating a requirement of Part B of the Act.

D. *Mediation* is an informal, voluntary process by which the parent and the LEA are given an opportunity, through the help of a trained mediator, to resolve their differences and find solutions to enhance the overall learning environment for the student. Differences may arise in the planning and implementing of an individualized educational program for a student with an exceptionality. It is important for parents and LEAs to have an opportunity to present their viewpoint in a dispute. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Mediation Services for Students with Exceptionalities* brochure for more information.

E. The parents and the LEA both have the right to an "impartial due process hearing" when disagreements arise between the parent and the LEA, relative to initiating or changing the identification, evaluation, or educational services and placement of a student with an exceptionality. Due process hearings may be initiated by the parent or the LEA. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Special Education Impartial Due Process Hearing* brochure for more information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2337 (November 2009).

§127. Three-Year Age Span

A. Unless specifically permitted by the State Board of Elementary and Secondary Education, there shall not be a chronological age span of more than three years within a special education class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§129. Site Determination

A. When the site at which the student will receive services is not determined at the IEP Team meeting, within 10 calendar days, the site determination form shall be completed. The LEA has the right to select the actual school site at which the student will receive services.

B. In addition to the questions on the IEP and Site Determination Form, the following issues shall be considered:

1. students should be placed in programs on the basis of their unique special education needs, not as a result of their particular disabling condition; and

2. placement cannot be based either on a particular LEA's special education delivery system or on the availability of related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§131. Additional Clarification

A. Although throughout Louisiana most students with exceptionalities are served in their neighborhood schools there are some extenuating circumstances that influence the decision to serve a student in a school other than his or her neighborhood school.

B. For Students with Disabilities. The following is provided as an example: In a small LEA, there may be only four multidisabled students who need a multidisabled self-contained class. The LEA may establish one classroom within the LEA. Those multidisabled students could be grouped together on a centrally located campus as age-appropriate as possible. Because of the limited number of students, the age span may be greater than the 3-year span. In this situation, ages may be from 10-14 years—with two children being 10-years-old, one being 11, and one being 14. When the administration decides to locate this class on an elementary K-6 campus because the majority of the class is of elementary age, there could be adequate justification to allow the 14-year-old to remain on the elementary campus.

This placement is not a desirable situation, but a necessity in some cases.

C. For Students who are Gifted and/or Talented. The following is provided as an example: A Resource Center for Gifted/Talented is a type of instructional setting, designed or located in one school, that provides instructional services to students who are gifted/talented from two or more schools and in which special education is provided by an individual certified in accordance with *Bulletin 746*; pupil/teacher ratios established in Bulletin 1706, Part B, are used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

Chapter 3. IEP Development

§301. Responsibilities

A. The responsibility for offering FAPE is met through the process of developing an IEP. This process includes:

1. communication between the LEA and the parents;

2. IEP Team meetings at which parents and school personnel make joint decisions and resolve any differences about the student's needs and services;

3. a completed IEP/placement document, which describes the decisions made during the meetings, including the special education and related services that are to be provided;

4. a formal assurance by the LEA that the services described in the document will be provided;

5. written parental consent for initial placement;

6. procedural safeguards for differences that cannot be resolved mutually;

7. initial placement and provision of services as described in the IEP/ placement document; and

8. consideration and/or determination of eligibility for Extended school year (ESY) services for students with disabilities. Refer to ESY section of this handbook (Chapter 7) for further guidance.

B. The IEP Team has the responsibility for determining the student's special educational and related services needs and placement.

C. A student dually identified with a disability and gifted and/or talented shall have his/her individualized educational program developed on the IEP for students with a disability.

D. A LEA is required to initiate and conduct IEP Team meetings periodically, but not less than annually, to review each student's IEP in order to determine whether the annual goals for the student are being achieved and to revise the IEP as appropriate. The LEA shall notify parents of the review IEP Team meeting in accordance with the same procedures as the initial IEP.

E. An additional IEP/placement review meeting is not required when a LEA elects to move the student to another school site within the agency when all of the information on the IEP remains the same and the effect of the program has not been changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§303. Initial IEPs

A. Program Considerations for Students with Disabilities. Program decisions shall be made and written on the IEP in the following areas that form the basis for the placement.

1. General information about the student, including

2. the student's strengths; and

3. the concerns of the parents for enhancing the education of their child; and

4. the results of the initial evaluation or most recent reevaluation of the student; and

5. the student's present levels of academic achievement, developmental, and functional needs; and

a. how the student's disability affects the student's involvement and progress in the general education curriculum; and

b. how to determine when the student with a disability needs instructional materials in accessible formats (e.g., large print , Braille, digital, and/or audio); and

c. for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; and

6. as appropriate, the results of the student's performance on any general state- or district-wide assessment program.

7. The IEP Team shall also consider any of the following special factors:

a. for a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention and supports, and other supports to address that behavior;

b. for a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;

c. for a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

d. the communication needs of the student, and in the case of a student who is deaf or hard-of-hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and a full range of needs, including opportunities for direct instruction in the student's language and communication mode;

e. whether the student requires assistive technology devices and services based on assessment/evaluation results;

f. for a student who has health problems, the needs to be met during the school day. These needs would include such medical conditions as asthma, diabetes, seizures, or other diseases/disorders that may require lifting and positioning, diapering, assistance with meals, special diets, or other health needs.

8. The measurable annual academic and functional goals, designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum,

a. shall be based on the academic standards for the grade in which the student is enrolled; and

b. shall be based on each of the student's other educational needs that result from the student's disability; and

c. short-term objectives/benchmarks shall be required for students with significant cognitive disabilities or functions like a student with significant cognitive disabilities at all ages and grade levels, including preschool-aged students;

i. short-term objectives/benchmarks shall be required for students who participate in LAA 1 (the alternate assessment aligned to alternate achievement standards);

ii. IEP Teams may continue to develop short-term instructional objectives or develop benchmarks that should be thought of as describing the amount of progress the student is expected to make within a specified segment of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress to coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP Team may use either short-term objectives or a combination of the two, depending on the nature of the annual goals and needs of the child.

d. The participation in appropriate activities for the preschool-aged student.

9. The special educational and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and the program modifications or supports for school personnel will be provided for the student

a. to advance appropriately toward attaining the measurable annual goals; and

b. to be involved and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

c. to be educated and participate with other students with and without disabilities in the activities.

10. An explanation is given to the extent in which the student will not participate with students without disabilities in the regular class and extracurricular and other nonacademic activities.

11. The participation in the annual statewide assessment for the student in grades 3-11; and

a. the need for any individual accommodations in the administration of state- or district-wide assessments of academic achievement; and

b. when the IEP Team determines the student shall participate in an alternate assessment instead of the regular statewide assessment, a statement of why

i. the student cannot participate in the regular assessment; and

ii. the particular assessment selected as appropriate for the student.

12. The anticipated frequency, location, and duration of the special educational services and modifications.

13. The type of physical education program to be provided.

14. For each student beginning at age 16, transition service needs that focus on the student's courses of study; and

a. for each student not later than the first IEP to be in effect when the child turns 16, or younger, when determined appropriate by the IEP Team, and updated annually thereafter, the needed transition services including any interagency responsibilities or linkages.

15. The need for extended school year services (refer to Chapter 7) based on student performance on academic/functional goals and/or objectives/ benchmarks.

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of the measurable annual goals and/or objectives/benchmarks, and whether the data supports that, the student meets any of the criteria for ESY eligibility.

B. Program Considerations for Students who are Gifted and/or Talented. Program decisions shall be made and written on the Gifted/Talented IEP in the following areas that form the basis for the placement.

1. General information about the student, including student interests; and

a. in the case of a student with limited English proficiency, whose language needs relate to the student's IEP;

2. the student's strengths;

3. the concerns of the parents for enhancing the education of their child;

4. as appropriate, the results of the student's performance on any general state- or district-wide assessment program for students in grades 3 -11;

5. the results of the initial evaluation or most recent reevaluation of the student;

6. input from the regular education teacher regarding student classroom performance, including academic achievement and social skills;

7. any pertinent social and emotional needs;

8. the student's present levels of educational performance, including the student's academic achievement and social/emotional needs;

9. the measurable annual academic and/or enrichment and/or social goals;

a. meeting the student's needs that result from the student's exceptionality and progress in an accelerated and enriched curriculum, and

b. meeting each of the student's other educational needs that result from the student's exceptionality, and

i. in the case of a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention strategies and other supports to address that behavior;

c. the participation in appropriate activities for the preschool-aged student;

10. the related services, which may include transportation and counseling;

11. the accommodations needed for instructional and statewide assessment purposes must be documented on the *Section 504 Individual Accommodation Plan* (IAP). A copy of the IAP should be kept in the student's IEP folder;

12. and the anticipated frequency, location, and duration of the special education services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2338 (November 2009).

§305. Review IEPs

A. Program Considerations for Students with Disabilities. The IEP Team shall review and revise the IEP for students with disabilities to address:

1. any lack of expected progress toward achieving the annual goals and objectives/benchmarks;

2. any lack of expected progress in the general education curriculum (e.g., the student is making failing grades or through progress monitoring the student's lack of progress in the general education curriculum is evident);

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed; and

b. in the event the parent signs the triennial reevaluation waiver, a statement must be included on the next IEP.

c. in the event the results of the reevaluation indicate *no exceptionality*, an IEP will not be developed and special education and related services cease;

5. information about the child shall be provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational and related service needs; for the preschool-aged child, his or her developmental needs shall be addressed;

a. to determine when the student with a disability needs instructional materials in assessible formats (e.g., Braille, large print, digital, and/or audio);

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program, placement, and related services;

10. consideration of special factors as listed in §303.A.6.a-f;

11. for each student beginning at age 16, discuss transition service needs that focus on the student's courses of study;

a. for each student beginning not later than the first IEP to be in effect when the student turns 16, discuss the needed transition services including any interagency responsibilities or linkages;

12. consideration of location of instruction/services, refer to §115-117.

13. the need for extended school year services. This need shall be based on student performance on academic/functional goals and/or objectives/ benchmarks. Refer to the ESY section of this handbook (Chapter 7).

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, and/or

objectives/benchmarks, and whether the student's progress meets any of the criteria for ESY eligibility.

14. Discuss any other matters.

B. A review meeting shall be conducted in addition to the required annual review when

1. the student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily in the general education curriculum or that there is a problem with the student's IEP;

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal or objective; to add or delete a related service;

4. the student has been determined to be eligible for ESY and will receive ESY services;

5. the behavior of the student warrants a review by the IEP Team to decide on strategies including positive behavioral intervention, strategies, and supports to address the behavior;

6. either a parent or a public agency believes that a required component of the student's IEP should be changed;

7. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE;

a. a hearing officer orders a review of the student's IEP/placement document;

8. in the case in which the IEP/placement document is entirely rewritten, the date of that meeting shall become the anniversary date for the next annual review meeting.

C. Program considerations for Students who are Gifted and Talented. The IEP Team shall review and revise the IEP for students who are gifted and talented to address:

1. any lack of expected progress toward achieving the annual goals;

2. any lack of expected progress in the general education curriculum;

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed;

b. in the event the results of the revaluation indicates *no exceptionality*, an IEP will not be developed and gifted and/or talented services cease;

5. information about the student provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational needs; for the preschool-aged child, address his or her developmental needs;

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program and placement;

10. in making decisions for location of instruction/services, refer to §115-117;

11. any other concerns.

D. A review meeting shall be conducted in addition to the required annual review when:

1. a student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily or that there is a problem with the student's IEP; or

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal; to add or delete a related service; or

4. either a parent or a public agency believes that a required component of the student's IEP should be changed; or

5. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE; or

a. a hearing officer orders a review of the student's IEP/placement document; and

b. a review IEP Team meeting shall be conducted as part of the reevaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2340 (November 2009).

§307. Interim IEPs

A. Placement Decisions. Local directors/supervisors of special education may approve enrollment in special education after pupil appraisal personnel have reviewed existing student information.

1. An interim IEP may be developed for students transferring from out-of-state who were receiving special educational services, concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handboo*k.

2. An interim IEP may be developed concurrent with the conduct of an initial evaluation for students out of school, including students ages three-through-five who are suspected of having a disability, and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

3. Formal written parental consent shall be obtained for a multidisciplinary evaluation to be conducted according to *Bulletin 1508, Pupil Appraisal Handboo*k and an interim IEP may be developed.

a. During the time the evaluation is in process, all regulations shall apply.

b. If an interim IEP were developed, it–may be amended as necessary.

4. Parents of these students shall be informed at the interim IEP Team meeting that the evaluation results must classify a student as exceptional for that child to remain in the special education program.

5. An interim IEP shall not be developed when a student has a current IEP or evaluation.

B. Parental Consent. Parental consent for the interim placement and related services shall be obtained by parental signature on the IEP form.

1. Parents shall be informed that the student will exit from the special education program when the student is found to be ineligible for special educational services according to the criteria in *Bulletin 1508, Pupil Appraisal Handbook*. A statement stating the above should be written in the comment section of the IEP when it is developed.

2. When the student is eligible for special educational services, an initial IEP/placement meeting will be conducted within 30 calendar days from the date of dissemination of the written evaluation to the LEA's special education administrator.

C. Program Considerations. In the development of the IEP, the IEP Team's discussion about the current performance and goals for the student will have to be conducted without the benefit of integrated assessment data or teacher observation.

1. To gather information about current performance, the parent may be the prime source of information about the student's skills, development, motivation, learning style, etc.

2. The goals should address the student's educational program during the assessment process.

3. When available information indicates that related services are required, services should be provided.

4. The student's performance during an interim placement shall be documented by the teacher and pupil appraisal personnel. This documentation should provide meaningful data for determining an appropriate program and placement.

D. Extended School Year

1. Students on interim IEPs shall be considered for extended school year services. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. Student performance on academic/functional goals and/or objectives/benchmarks on the IEP are monitored on an ongoing basis throughout the school year. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, benchmarks, objectives, and whether the student's progress meets any of the criteria for ESY eligibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2341 (November 2009).

§309. Related Services Considerations

A. *Related Services for Students with Disabilities* means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education. A LEA, as part of its requirement to provide FAPE, shall provide any related service for which there is a documented need. However, for certain related services, specific eligibility criteria shall be met according to *Bulletin1508, Pupil Appraisal Handbook*. The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc. Examples of support and related services may include speech/language pathology services, assistive technology, physical or occupational therapy, audiological services, orientation and mobility services, interpreting services and counseling, including rehabilitation counseling, psychological services, recreation, including therapeutic recreation, early identification and assessment of disabilities in children and transportation services. Medical services for diagnostic or evaluation purposes may also include school health services and school nurse services, social work services in schools, and parent counseling and training.

1. Exception; services that apply to students with surgically implanted devices, including cochlear implants;

a. related services do not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of the device, or the replacement of the device;

b. nothing limits the right of a student with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE;

c. nothing limits the responsibility of the LEA to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or

d. nothing prevents the routine checking of an external component of a surgically implanted devise to make sure it is functioning properly.

2. The IEP Team shall consider each related service that is recommended on the evaluation reports and document and the decisions on the IEP form. For example, the team shall:

a. list all services recommended by the team and the service provision schedules, dates, and location, etc.;

b. explain the team's decisions not to include a recommended related service;

c. explain delays in providing any related service listed on the IEP.

i. This delay, or hardship, in no way relieves a LEA from providing the service and from documenting every effort to provide it in a timely manner.

d. The participation of related service personnel is extremely important during the IEP Team meeting. Involvement should be through either direct participation or written recommendations.

3. Additional Notes about Related Services

a. Adapted physical education (APE) is not a related service; APE is a direct instructional program. A student who requires only adapted physical education may be eligible for related services, since adapted physical education is a direct instructional program.

b. A student who is identified with only a speech or language impairment may be eligible for other related services, since in this case speech therapy is the direct special educational program.

c. Considerations for related services provided during ESY are the same as for the IEP.

B. Related Services for Students who are Gifted and/or Talented may include transportation or counseling, which must be addressed on the IEP. The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2342 (November 2009).

Chapter 4. Alternative Pathways to Promotion and Graduation

§401. Eligible Students and IEP Team Responsibilities

A. Beginning with the 2014-2015 school year, IEP teams shall determine promotion and may establish an alternative pathway for fulfilling graduation requirements, pursuant to regulations set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4, R.S. 17:183.2, R.S. 17:183.3, R.S. 17:1941 et seq., and R.S. 17:2925.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:2531 (December 2014).

§403. Requirements for Promotion

A. Beginning in spring 2015 and in accordance with procedures set forth by the LDE, IEP teams shall determine promotion to the next grade level for a student with a disability who fails to meet state or local established performance standards on any assessment for purposes of promotion. Such determination shall be made only if, in the school year immediately prior to each grade level in which the student would otherwise be required to demonstrate certain proficiency levels in order to advance to the next grade level, the student has not otherwise met the local requirements for promotion or has not scored at or above the basic achievement level on the English language arts or mathematics components of the required state assessment and at or above the approaching basic achievement level on the other.

B. If an IEP team determines that the student is not required to meet state or local established performance standards on any assessment for purposes of promotion, it shall:

1. identify rigorous educational goals for the student;

2. include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;

3. include an intensive instructional program;

4. provide innovative methods to promote the student’s advancement including flexible scheduling, alternative learning environments, online instruction, or other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability; and

5. identify a course of study that promotes college or workforce readiness, or both, career placement and advancement, and transition from high school to postsecondary education or work placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4, R.S. 17:183.2, R.S. 17:183.3, R.S. 17:1941 et seq., and R.S. 17:2925.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:2531 (December 2014).

§405. Requirements for Graduation

A. Beginning with the 2014-2015 school year, by the end of eighth grade, the IEP team of a student with a disability shall begin to develop an individual graduation plan pursuant to Bulletin 741 and the provisions of this Chapter.

B. Beginning with the 2014-2015 school year, if a student with a disability has not met state-established benchmarks on state assessments for any two of the three most recent school years prior to high school, or for the two most recent administrations of any state-established assessments required for graduation, the IEP team may determine if the student is required to meet state or local

established performance standards on any assessment for purposes of graduation.

C. Students with disabilities shall be afforded the same opportunities to pursue a standard diploma and to exit with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or those established by his IEP team to be awarded a diploma.

D. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

E. If an IEP team determines that state-established benchmarks on the required state assessments are no longer a condition for graduation for a student, it shall:

1. within 30 days of the start of the next school year or course, establish minimum performance requirements in the student's IEP relevant to graduation requirements. The LDE shall make available a list of multiple appropriate assessments and guidance for use in establishing minimum score requirements on the assessments that an IEP team may, but shall not be required to, use for this purpose. The IEP team shall consider establishing minimum performance requirements for annual academic and functional goals designed to meet the student's needs that result from the student's disability and that will enable the student to be involved in and make progress in the general education curriculum, and to meet other educational needs of the student that result from the student's disability, including the student's postsecondary goals related to training, education, employment, and where appropriate, independent living skills;

2. provide the student and his parent or legal guardian with information related to how requirements that vary from standard expectations may impact future educational and career options;

3. require the student to successfully complete IEP goals and requirements and to ensure that the student meets at least one of the following conditions, consistent with the IEP:

a. employment in integrated, inclusive work environments, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain employment without direct and continuous educational support from the school district;

b. demonstrated mastery of specific employability skills and self-help skills that indicate that he does not require direct and continuous educational support from the school district; or

c. access to services that are not within the legal responsibility of public education or employment or education options for which the student has been prepared by the academic program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4, R.S. 17:183.2, R.S. 17:183.3, R.S. 17:1941 et seq., R.S. 17:2925, 20 U.S.C. 6301 et seq., and 20 U.S.C. 1400 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:2532 (December 2014).

Chapter 5. Participation in Statewide Assessments

§501. Participation in Statewide Assessments

A. All special education students shall participate in statewide assessments in grades 3-11.

B. Students are to take the test that corresponds to the grade in which they are enrolled.

C. The decision as to which test a student with disabilities participates in is made on an annual basis by the IEP team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009).

§503. Types of Alternate Assessments

A. LEAP alternate assessment (alternate assessment), was developed for students with disabilities who are served under IDEA for whom there is evidence that the student has a significant cognitive disability. The alternate assessment is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana Connectors standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1171 (September 2019).

§505. Alternate Assessment Participation Criteria

A. LEAP Alternate Assessment (Alternate Assessment). To be eligible to participate in the LEAP Alternate Assessment (alternate assessment), the IEP team must verify the student (in grades 3-11) meets the criteria listed in this subsection.

1. For students entering a high school cohort on or before the 2019-2020 school year, the student has a disability that significantly impacts cognitive function and/or adaptive behavior. This may be demonstrated in the following ways.

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning and/or adaptive behavior.

b. For students who have completed fifth grade, an eligible student is functioning 2.3 or more standard deviations below the mean in cognitive functioning and/or adaptive behavior.

c. Students who have completed the fifth grade functioning between 2.0 and 2.29 or more standard deviations below the mean in cognitive functioning and/or adaptive behavior may be eligible for alternate assessment participation if the IEP team provides additional empirical evidence an alternate assessment identification is appropriate for the student.

2. For students entering a high school cohort during the 2020-2021 school year and beyond, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways.

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning.

b. For students who have completed fifth grade, an eligible student is functioning 2.3 or more standard deviations below the mean in cognitive functioning.

c. Students who have completed the fifth grade functioning between 2.0 and 2.29 or more standard deviations below the mean in cognitive functioning and with deficits in adaptive behavior may be eligible for alternate assessment participation if the IEP team provides additional empirical evidence an alternate assessment identification is appropriate for the student.

3. The student requires direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.

4. The decision to include the student in an alternate assessment is not solely based on the following:

a. student's educational placement;

b. excessive or extended absences;

c. disruptive behavior;

d. English language proficiency;

e. student's reading or academic level;

f. student's disability according to Bulletin 1508;

g. social, cultural, and/or economic differences;

h. anticipated impact on school performance scores;

i. administrative decision;

j. expectation that the student will not perform well on the LEAP 2025 or other statewide assessments; or

k. the student's previous need for accommodation(s) to participate in general state or district-wide assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019).

§507. Test Accommodations

A. The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment shall be documented annually on the program/services page of the student's IEP.

B. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

C. Test accommodations are described in Bulletin 118, Statewide Assessment Standards and Practices.

D. For Students who are gifted and/or talented, any accommodations the student is to receive for instruction and assessment shall be documented annually on the student's IAP. A copy of the IAP should be kept in the student's IEP folder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009).

Chapter 7. Extended School Year Services

§701. Overview

A. Extended school year (ESY) services are the provision of special education and related services to students with disabilities beyond the normal school year of the LEA .The LEA must utilize specific eligibility criteria to determine the need for extended school year services to ensure the provision of FAPE. Services are provided in accordance with an IEP and at no cost to the parents of the student.

B. Once a student's extended school year services have been planned through the IEP process, the services shall be implemented. LEAs should provide extended school year instruction in a location that is the least restrictive environment option for that student. The services necessary to meet the goals and objectives targeted on the ESY section of the IEP are to be provided.

C. Careful documentation should be kept in order to evaluate the student's performance and progress toward the completion of the ESY goals and objectives. Accurate records of student performance will assist the IEP Team in the upcoming school year to continue the educational program with a minimum of interruption and disruption.

D. Ongoing student performance assessment is always an integral part of any educational program, and it should be documented on appropriate data collection forms (e.g., grade book, checklist, task analysis form) and progress reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§703. Responsibilities

A. The IEP Team is responsible for developing the extended school year services for the student. The IEP Team shall consider the student's educational needs according to the criterion/criteria by which that student qualified for ESY services. Throughout the planning phase, the team is involved in a very individualized decision-making process based on the student's specific needs identified throughout the regular school year data collection.

B. At the IEP Team meeting, the IEP Team shall discuss any and all pertinent criterion/criteria and examine student performance data. The IEP Team shall consider student performance on critical skills as they relate to ESY eligibility criteria.

1. The decision regarding ESY eligibility should not be made before January 1 of the current school year unless there is sufficient data to make that decision prior to January.

2. Extended school year services shall be provided only when a student's performance data indicate that the services are necessary for the provision of FAPE.

3. The LEA may not limit extended school year services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services.

C. ESY services are available for students who meet the eligibility criteria and meet the following conditions:

1. are between the ages 3-21;

2. are identified with a disability according to the *Bulletin 1508, Pupil Appraisal Handbook*; and

3. have a current IEP.

D. ESY services are:

1. based on student's unique educational needs;

2. designed to address critical skills of the student;

3. tailored to fit the needs of each qualifying student; therefore, the length of ESY services varies;

4. considered and determined on a yearly basis; and

5. provided sometimes in non-traditional settings.

E. All LEAs shall utilize the specific eligibility criteria to determine the need for ESY and service planning guidelines to design, implement and evaluate the extended school year service provided to the student by:

1. evidence related to the student performance of critical skills as it relates to ESY eligibility criteria; and,

2. the probability that the student could master/maintain the goals and/or objectives/benchmarks stated on the IEP with the provision of ESY services.

F. LEAs should continue to address LRE needs of the student in the implementation of ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§705. ESY Eligibility Criteria

A. ESY eligibility criteria shall be used in the determination of eligibility for ESY services.

B. The determination of eligibility shall be made prior to the start of summer ESY services.

C. Three criteria are used to determine a student's need for ESY services: Regression-Recoupment, Critical Point of Instruction, and Special Circumstances.

1. Regression-Recoupment (R-R) Criterion

a. This criterion shall be applied to all students with significant cognitive disabilities or who functions like students with significant cognitive disabilities at all ages and grade levels, including preschool aged students.

b. This criterion should be considered for all students suspected of having difficulty with recoupment of skills.

i. When the IEP Team decides to monitor a student using Regression-Recoupment criterion who is not participating in LAA 1, the team shall target specific critical goals and/or objective/benchmarks on the IEP as a basis to determine eligibility at the next IEP.

c. Definitions

i. *Pattern of Regression-Recoupment Problems*—following a break in instruction, there is a failure to regain the performance level for an objective/skill such that the highest post-break score is lower than the highest pre-break score for any objective (i.e., critical skill) across two breaks in instruction.

ii. *Break in Instruction*—a break of at least five instructional days.

iii *Highest Pre-Break Score*—the highest score (of at least two data points) in the two-week period immediately preceding the break in instruction.

iv. *Highest Post-Break Score*—the highest score (of at least two data points) in the two-week period immediately following the break in instruction.

d. Steps for applying the R-R Criterion

i. The teacher/instructional personnel reviews student performance data before and after a minimum of two breaks in instruction. The method and frequency of data collection will depend on the objectives/benchmarks.

ii. Following extended breaks in instruction (i.e., full summer), it is expected the student will recoup the skills within 4 weeks.

iii. The teacher/instructional personnel determines whether there is a regression-recoupment problem such that the highest of the post-break score is lower than the highest of the pre-break score for "any" objective/benchmark and/or break.

iv. The student is eligible for ESY services when the performance data demonstrates a pattern of problems with recouping performance on any objective/skill across any two breaks within the current IEP.

2. Critical Point of Instruction (CPI) Criterion

a. This criterion shall be considered for all students.

b. Definitions

i. *Critical Point of Instruction-1* (CPI-1)—in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.

ii. *Critical Point of Instruction-2* (CPI-2)—in the absence of extended school year services, the student would be at risk of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered for CPI-2 include self-injurious, ritualistic, and/or aggressive behaviors that negatively impact the health, well being and/or delivery of instruction to the student.

c. Steps for Applying the CPI Criteria

i. The teacher/instructional personnel examines student performance data and determines whether in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development (CPI-1) or would be in danger of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas) (CPI-2).

ii. CPI-1: The teacher/instructional personnel determines that the student is projected to be at a critical stage in the general education curriculum, and special education services provided during an extension of the regular school year will allow the student to maintain the level of services indicated in the regular year IEP.

iii. CPI-2: The teacher/instructional personnel determine that the student will require extended school year services to achieve meaningful benefit in the goal area.

(a). Students exhibiting interfering behaviors and qualifying under CPI-2 should have a goal and/or objectives/benchmarks on the IEP to address those behaviors; and documentation shall include a description of the behavior, baseline data, copy of the behavior intervention plan, and when available, a copy of the functional behavior analysis.

iv. The student is eligible for ESY when there is evidence the impact of providing ESY services could enable the student to maintain and/or achieve grade-level expectations and reduce the loss of skill acquisition, fluency and/or maintenance.

3. Special Circumstances (SC) Criterion

a. Employment

i. Students ages 16-21 shall be considered for ESY services when there is documentation (i.e., job performance data) that the student is in need of support to maintain paid employment. *Paid Employment* refers to pay commensurate/minimum wage or has an alternate wage certificate from the Department of Labor to be paid at a reduced level.

ii. A written statement from the student's employer signifying his or her intention to employ the student throughout the summer months; and

iii. a current IEP with goals and action steps targeted for transition in the area of employment.

iv. The student is eligible for ESY services when there is evidence the student is in need of support to maintain paid employment during the summer months.

b. Transition from Early Steps to Part B (Preschool)

i. Students transitioning from Early Steps to Part B preschool services who have spring/summer birthday shall be considered for ESY services.

ii. The student is eligible for ESY when there is evidence from the performance data on the Individualized Family Service Plan (IFSP) that the student will fail to maintain performance skills and will regress without ESY services.

c. Transition to Post-school Outcomes

i. Students who have a transition plan and who are expected to exit the LEA at the end of the school year shall be considered for ESY services. The teacher/instructional personnel shall examine the documentation of the incomplete action steps and corresponding goals that are the responsibility of the LEA.

ii. The student is eligible for ESY when the student is in need of services to complete the action steps that are the responsibility of the LEA that are not expected to be completed by the end of the student's final year in school.

d. Excessive Absences

i. A student with a disability who has documented absences during the school year, in excess of 25 days, for health-related conditions without the provision of hospital/homebound services and who has failed to make projected progress shall be considered for ESY services.

ii. A student is eligible for ESY services when there is evidence that failure to acquire the goals and/or objectives/benchmarks will seriously jeopardize the overall educational progress of the student; and

iii. the ESY services could have a significant impact on the student's ability to make progress toward the acquisition of established goals and objectives/benchmarks.

e. Extenuating Circumstances

i. There may be unusual situations or circumstances when ESY services may be needed, but the student does not meet any of the eligibility criteria.

ii. The teacher/instructional personnel shall use professional judgment to make the decision whether the student needs ESY services in order to receive FAPE. The teacher/instructional personnel shall determine if a break in instruction will negatively impact or cause the student to lose skills that will restrict the student's ability to function as independently as possible.

iii. Two steps to determine eligibility for an extenuating circumstance are:

(a). consider the previously described ESY eligibility criteria, and

(b). determine there is a need for ESY services through the examination of student performance data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2344 (November 2009).

§707. ESY Eligibility Determination

A. The ESY eligibility decision for each student is to be made between January 1 and the onset of ESY services for the current school year unless there is sufficient data to make that decision prior to January.

B. After examining the student's performance data one of the following decisions shall be made:

1. the student is eligible for services;

2. the student is eligible for services, and the parent declines;

3. the student is ineligible for services; or

4. ESY determination of eligibility will be made later during the same school year.

C. When the student is determined eligible for ESY services, the team must complete the ESY form of the IEP.

D. When the IEP Team decides not to make a determination it shall be documented on the IEP and the ESY decision must be prior to the start of ESY services.

E. When the student is determined ineligible for ESY services based on student performance data, the parents must receive notification of the determination and informed of their due process rights and procedures.

F. When consensus regarding ESY eligibility or services cannot be reached and the parents disagree with the decision, the parents shall be informed of their due process rights and procedures.

G. If the parents of a student with disabilities decline extended school year services, this does not affect other IEP services. ESY does not apply to students who are gifted and/or talented or students on Services Plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2346 (November 2009).

§709. Provision of ESY Services

A. It is the responsibility of the special education administration to schedule the specific days of the week and the beginning and ending date options to accommodate each student's ESY services. As indicated throughout this process, duration is based on the individual needs of the student.

1. Regression-Recoupment Criterion (R-R). The emphasis will be on the maintenance of essential skills. The breaks between ESY and the regular school year should not exceed the break periods upon which the student qualified for ESY services.

2. Critical Point of Instruction 1 (CPI-1). The emphasis will be on the skills the student needs in order to prevent loss of general education time or to prevent an increase in special education service time. The length of time will be based on the number of skills the student must acquire to maintain his LRE.

3. Critical Point of Instruction 2 (CPI-2). The emphasis is on acquisition or maintenance of critical skills. The number of sessions per week will be dependent upon whether the specific student needs acquisition or maintenance. Acquisition programs are usually shorter with more sessions per week, while maintenance programs are often longer in duration with fewer sessions per week.

4. Special Circumstances (SC). The emphasis of the ESY services is on mastery of specifically targeted goals and objectives to assist in ensuring the student will be on track to achieve his or her measurable annual goals. The sessions/week and duration of the extended school year services will depend upon which and how many goals and objectives have been targeted and the lack of expected progress toward the achievement of the annual goals during the last school year.

B. The focus of a student's ESY services would be based on the needs identified.

1. The IEP Team determines the services the student will need to receive during the extended school year and which personnel will be needed to provide the services.

2. Not all students need the same program length. Extended school year services are an individual, student-based decision.

3. There is no minimum or maximum number of goals and objectives to be identified for ESY instruction. The number of objectives identified for ESY instruction is based on individual student needs. The major purpose of ESY services is to extend instruction from the regular school year to maintain FAPE. The ESY is not a program aimed at remediating all areas of deficit.

a. If the IEP Team determines that a new goal and/or objectives are needed for ESY, then the IEP shall be amended and a new goal and/or objective written.

C. Location

1. The IEP Team discusses the location where the ESY service should take place to implement each ESY goal and/or the objectives/benchmarks. One or more locations may be recommended. The LEA shall determine the most reasonable location(s) for the provision of ESY services.

a. When the location selected is home, indicate the number of minutes under Community on the time-frame grid.

D. Date ESY to Begin

1. The amount or duration of ESY services cannot be unilaterally limited for all students. When planning ESY services, it would be appropriate to consider the LEA's summer calendar. When the LEA's summer calendar is not available at the time of the IEP Team meeting where ESY services are being discussed, the team may estimate the date to begin based on the duration of services determined to be needed by the student.

a. The IEP Team should discuss conflicts that could interfere with the student's attendance during the ESY. For example, there may be a family vacation or surgery scheduled. This information should be taken into account in scheduling the student's ESY services.

b. When a student meets eligibility criteria for ESY services under R-R, the breaks between regular school year and ESY services should not exceed the break periods used to determination eligibility.

E. Duration

1. The length of time ESY services is provided.

2. The criteria/criterion by which the student was determined eligible and the goals and/or objectives/benchmarks chosen to be addressed during the ESY services should dictate the duration of services.

F. Progress Reports

1. LEAs shall ensure that instructional personnel measure and report student outcomes. The student's progress toward achieving the measurable goal(s) during ESY services shall be recorded on the ESY form. A copy of the form with student progress indicated shall be sent to the parents within ten business days after the completion of ESY services.

2. A copy of the ESY form with the completed progress report information shall be placed in the student's IEP folder.

G. Transportation

1. Transportation shall be offered when necessary. As with other services, the IEP Team should recommend transportation services in the least restrictive, most appropriate mode available. The transportation recommended shall be reasonable and at no cost to the parents. Mileage reimbursement may be used as a transportation option only when the parents are willing to transport their child.

2. There may be cases in which students shall remain at a site longer than the time indicated on the ESY form of the IEP because of transportation limitations. When this is the case, the student shall be supervised at all times. The student's need to remain at the site because of transportation limitations shall be indicated in the comment box on the ESY form.

H. Evaluation

1. LEAs shall evaluate ESY services outcome data to determine overall effectiveness.

a. Effectiveness should be reflected in the match between the needs of the student and the services provided.

b. Effectiveness should be reflected in the criteria by which the students were determined to be eligible and whether the students mastered or maintained the goals/objectives/benchmarks chosen during the delivery of ESY services.

c. Effectiveness is evaluated from the individual student perspective, as well as system-wide.

d. Program operations should be examined to determine the effectiveness of the ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2346 (November 2009).

Chapter 9. Services Plans for Parentally Placed Students in a Private School

§901. No Individual Right to Special Education and Related Services

A. No parentally placed private school student with disabilities has an individual right to receive some or all of the special education and related services that the student would receive when enrolled in a public school.

B. When a student with disabilities is enrolled in a religious or other private school by the student's parents and will receive special education or related services from an LEA, the LEA shall:

1. initiate and conduct meetings to develop, review, and revise a *Services Plan* for the student;

2. ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

3. Parentally placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

4. Students with disabilities aged three-through-five are considered to be parentally placed private school students with disabilities when enrolled by their parents in private, including religious elementary schools, that meets the definition of elementary school in *Bulletin 1706/Subpart A-Regulations for the Implementation of the Children with Exceptionalities Act* §905.

C. When the LEA opts to provide special education services to students identified as gifted and/or talented, the Services Plan may be used to identify the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2347 (November 2009).

§903. Services Provided in Accordance with a Services Plan

A. Students with disabilities who have been designated to receive services shall have a Services Plan that describes the specific special education and/or related services that the LEA will provide to the student as determined through the consultative process.

1. The services plan to the extent appropriate will be developed, reviewed, and revised in accordance with the rules and regulations pertaining to the IEP as stated in this document.

2. For any additional questions regarding services for students with disabilities enrolled by parents in private school go to idea.ed.gov, and click on the Q and A documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2347 (November 2009).

GROUP COUNSELING ASSESSMENT FORM

Date:_____

Youth: _____

Facilitator(s):_____

Group: _____

Session: 1 2 3 4 56 7 8 9 10 11 12

Home: _____

Topic: _____

Level of Participation this session:

___Stayed on subject/topic of conversation.
___Provided others with useful feedback.
___Active participation, constructive comments.
___Seemed to listen, but little participation.
___Seemed to listen, but no participation.
___Inattentive, seemed disinterested.
___Disruptive-silly, inappropriate, hostile, changing subject. (Circle one)
___ Completion of assignments
___Other
(Describe):_____
_____
_____

Interaction with Others:

___Generally positive
___Supportive
___Listens
___Indifferent
___Joking
___Makes fun of
___Sarcastic
___Argues
___Hostile
___ Other

Awareness or insight into situation:

___Can verbalize well regarding problem.
___Accepts some responsibility
___Denies responsibility.
___Blames others, situations, bad luck, etc.
___Seems to have a lot of incorrect information regarding _____
Seems to have little or no information regarding, _____
Other Comments/ Assessment:
_____
_____
_____
_____
_____
_____

Revised 5/03

OFFICE OF JUVENILE JUSTICE
UNUSUAL OCCURRENCE REPORT

Was this incident: ☐ Witnessed by you ☐ Discovered by you, or ☐ Reported by you?

NAME:	**CLIENT ID #**:	**YOUTH'S UNIT:**	**DATE OF INCIDENT**:	**TIME**:

LOCATION OF INCIDENT: **Location Code:** ☐ ACY 2184 ☐ BCCY 2186 ☐ SCY 2182 ☐ SCYC 2182 ☐ CENTRAL OFFICE 2186 ☐ REGIONAL OFFICE_____	**WITNESSES:**

TYPE OF INCIDENT - CHECK APPROPRIATE BOX(ES)

	ACCIDENT		CONTRABAND --OTHER		MENTAL HEALTH		SEARCHES OF VISITORS		USE OF INTERVENTION
	AGGRAVATED UNAUTHORIZED AREA		DEATH		PERIMETER SECURITY		SEARCHES -- OTHER		OTHER: CONTRACT MONITORING
	ASSAULT - YOUTH/YOUTH		ESCAPE		PREA – STAFF/YOUTH		SEXUAL MISCONDUCT		OTHER: (DESCRIBE BELOW)
	ASSAULT – YOUTH/STAFF		GANG / GANG-LIKE ORGANZIATION / ACTIVITY		PREA – YOUTH/YOUTH		TAMPERING WITH SECURITY DEVICES		
	ASSAULT – STAFF/YOUTH		KEYS – BROKEN/LOST		PROPERTY DESTRUCTION		THEFT		
	CONTRABAND – DRUGS		MAJOR DISTURBANCE		SEARCHES OF STAFF		THREATS AND INTIMIDATION		
	CONTRABAND – WEAPON		MEDICAL		SEARCHES OF YOUTH		UNAUTHORIZED AREA		

Environmental Conditions: ☐ Raining ☐ Sunny ☐ Cloudy ☐ Foggy ☐ Cold ☐ Hot ☐ Lightning ☐ Wind ☐Other: _____ ☐ Weather not a factor

Flooring: (Type of Floor and Wax)_____ Equipment: (Specify Type)_____

☐ CHEMICAL AGENT USED (CBS Only) ☐ MECHANICAL RESTRAINT USED ☐ PHYSICAL RESTRAINT USED ☐ FLEX CUFFS USED
☐ MEDICAL/MENTAL HEALTH RESTRAINTS USED

DESCRIPTION OF INCIDENT (ATTACH SUPPLEMENTAL PAGE IF NEEDED) Describe incident/issue, the events that "led up to" incident/issue; what staff did to prevent this incident from happening; and how staff responded during or immediately following the incident.

___ Yes ___ No Refer youth to infirmary

___ Yes ___ No Based on the above incident, do you have reason to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect? If YES, this incident is both Investigative Services and Office of Community Services reportable.

The following items should be attached to the UOR when applicable: pictures, medical records, victim/witness statements and supplemental reports.

_____	_____	_____	_____
Reporting Employee Signature & Title	Print Name & Title	Date Completed	Time Completed

ORM REQUIREMENTS

___ Yes ___ No Did the Supervisor/Agency safety officer receive a report of the observed conditions?
___ Yes ___ No Was the following adhered to: If the accident involved items that can be retained, it must be tagged with the date of the accident and the name of visitor/youth. Broken or damaged items must be in a secure area. Tag cannot be moved or item cannot be surplus / discarded until notified by the claims unit.

_____	_____	_____	_____
Reviewing Supervisor's Signature & Title	Print Name & Title	Date Reviewed	Time Reviewed

YOUTH RIGHTS AND RESPONSIBILITIES

Your Rights

You will have your own program, called an Individualized Treatment Plan. This plan is basically to help you learn ways to take care of yourself and your personal belongings and to get along with other people.

You and your parent(s) or guardian may see the case record that we keep on you. Before anything in your record can be given to you or your parent(s) or guardian, we will obtain written permission from you and your parent(s), guardian, or legal custodian.

You can know about your health condition unless the doctor asks in writing that you not be told. You may take part in plans for your medical treatment and, if you are 18 years old or older, you may refuse recommended treatment.

You will be free of physical restraint so long as you are not in danger of hurting yourself or others. Then you will be held safely and for only as long as you are upset.

Mechanical restraints that restrict movement may only be used by the program if it has prior approval of the Agency.

If you are given medicine, it shall be only after a doctor or nurse approves it and only under the circumstances they define. Medicine must not be given to you to punish you.

You will be served three nutritiously balanced meals a day. You cannot be denied a meal as punishment.

You will be treated with respect by staff even when you are being disciplined or corrected. You will not be cursed or called names.

You will be allowed to have visitors at reasonable times--that is, at times when you are not expected to be sleeping, eating, or doing activities that are in your program.

You may receive and send mail without it being read by anyone but you, except in circumstances that the program director determines are a risk to the safety and security of the program. Mail will routinely be inspected for contraband in your presence.

You may use the telephone at reasonable times. You may visit your friends and family as outlined in your program.

You may manage your own money and know the amount in your account each month. You may help in deciding what you can or should buy and how much you should spend.

You will be required only to do the work outlined in your program and to share duties such as keeping your room neat and helping with kitchen chores.

You may belong to clubs and go to church unless the person in charge of your program believes that something bad could happen to you there.

If you feel that you have not been treated fairly, you should notify your case manager about it. If you feel that any of your rights might have been violated, you can file a grievance.

If you are 18 years old or older, you have the right to register and vote.

Your Responsibilities

You are expected to follow the rules, procedures, schedules and directives of staff while at this provider.

It is your responsibility to see that your behavior and language do not discriminate or show prejudice against other persons.

You are responsible for helping to clean and maintain your living quarters.

You must ask for medical and dental care when you feel you need it.

You are to conduct yourself properly during visits and community outings and activities.

You must not accept or bring into or take out of the provider items that are illegal or not allowed by this provider.

You must not violate the law through the mail.

You must keep yourself clean and odor free.

You must follow grievance procedures in making any complaint. If any action is taken against you by staff or other youth because of the complaint, you should report it to the provider supervisor.

You must use appeal procedures when you feel any disciplinary action has been taken against you.

1 hereby acknowledge that these Rights and Responsibilities have been explained to me by

_____.

_____	_____
Resident	Date
_____	_____
Parent/Guardian, if appropriate	Date
_____	_____
Program Director	Date