Policy Title: Licensing Academic Boarding Schools - OAR
Policy Number: II-C.1.1
413-215-0201 thru 0276
Effective Date: 10-17-08

Reference(s):
- ORS 409.050
- ORS 418.005 to 327
- ORS 409.010
- ORS 624.570 (Food Handlers Card)
- OAR 333-061-0005 to 00335 (Public Health drinking water regulations)
- OAR 338-010-0025 to 0038 (Environmental Health Specialist)
- OAR 333-014-0050 (County Health Dept. inspections)
- OAR 837-040-0010 to 0020 (Oregon Fire Code)
- OAR 837-040-0140 (Oregon Structural Specialty Code)
- II-C.1, Licensing Umbrella Rules
  http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-c1.pdf

Form(s) that apply:
- None referenced.

Rules:
413-215-0201
Academic Boarding Schools; What Law Applies

(1) An academic boarding school (defined in OAR 413-215-0206) must be licensed in accordance with and comply with OAR 413-215-0001 to 413-215-0131 and OAR 413-215-0201 to 413-215-0276.

(2) Therapeutic boarding schools (OAR 413-215-0601 to 413-215-0681) and residential care agencies (OAR 413-215-0501 to 413-215-0586) are not subject to OAR 413-215-0201 to 413-215-0276.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
Definitions

The following definitions apply to OAR 413-215-0201 to 413-215-0276:

(1) "Academic boarding school" means an organization or a program in an organization that
   (a) Provides educational services and care to children for 24 hours a day; and
   (b) Does not hold itself out as serving children with emotional or behavioral problems, providing therapeutic services, or assuring that children receive therapeutic services.

(2) "Approval" means acceptable to the regulatory authority based on conformity with generally recognized standards that protect public health.

(3) "Boarding student" means a student of an academic boarding school who resides on the school campus.

(4) "Care" means services provided to meet the needs of a child, such as food, shelter, clothing, medical care, schooling, protection, and supervision. Care does not include services provided in family foster homes or adoptive homes.

(5) "Child" means an individual under 18 years of age.

(6) "Employee" means an individual holding a paid position with an academic boarding school.

(7) "Facility" means the physical setting, buildings, property, or structures of an academic boarding school.

(8) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance either internally or externally by any person.

(9) "Staff" means employees of the academic boarding school who are responsible for providing direct care to boarding students.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

Educational Services

The educational services of an academic boarding school (defined in OAR 413-215-0206) must comply with all of the following requirements:

(1) The academic boarding school must comply with the minimum requirements for private schools as determined by the Oregon Department of Education.
(2) The *academic boarding school* must ensure that it has a curriculum that considers the goals of modern education as defined in OAR 581-022-1020 and the requirements of a sound comprehensive curriculum.

(3) Secondary schools must verify that they have academic standards necessary for students to obtain admission to community colleges and institutions of higher education and receive a high school diploma or GED.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0216
Physical Plant Requirements

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) All buildings owned, maintained, or operated by the *academic boarding school* to provide services to children must meet all applicable state and local building, electrical, plumbing, and zoning codes.

(2) Each room used by children must have floors, walls, and ceilings that meet the interior finish requirements of the applicable Oregon Structural Specialty Code (see the current version of OAR 837-040-0140) and the Oregon Fire Code (see the current version of OAR 837-040-0010 and 837-040-0020) and be free of harmful drafts, odors, and excessive noise.

(3) Each room used by children must be adequate in size and arrangement for the purpose in which it is used.

(4) A system providing a continuous supply of hot and cold water must be distributed to taps conveniently located throughout each *facility* (defined in OAR 413-215-0206).

(5) Water systems serving the property must be installed and maintained in compliance with applicable drinking water regulations (chapter 333 of the Oregon Administrative Rules) from the Public Health Division of the Department of Human Services.

(6) **Heat and ventilation.**

   (a) Buildings must be ventilated by natural or mechanical means and must be free of excessive heat, condensation, and obnoxious odors.

   (b) Room temperature must be maintained within a normal comfort range.

(7) **Individual Rooms.**

   (a) **Living area.** A separate living room or lounge area must be available for the exclusive use of students, employees, and invited guests.

   (b) **Bedrooms.** Bedrooms for students may not be exposed to drafts, odors, or noises that interfere with the health or safety of the occupants. Each bedroom must comply with all of the following requirements:
(A) Be separate from the rooms used for dining, living, multi-purpose, laundry, kitchen, or storage.

(B) Be an outside room, with a window of at least the minimum size required by the State Fire Marshal and building codes.

(C) Have a ceiling height of at least 90 inches.

(D) Have a minimum of 60 square feet per bed.

(E) House no more than 25 boarding students in one room when a dormitory-style sleeping arrangement is used.

(F) Have permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(G) Have a window covering on each window to ensure privacy.

(H) Contain beds for boarding students that meet both of the following requirements:
   
   (i) There must be at least three feet between beds, including trundle beds if used; and
   
   (ii) Bunk beds, if used, must be maintained to ensure safety of the boarding students.

(c) Restrooms must be provided and be conveniently located, and must have:

(A) A minimum of one toilet for every eight children.

(B) One hand-washing sink with mixing faucets for each toilet. The sink may not be used for the preparation of food or drinks or for dish washing.

(C) Hot and cold running water, soap, and paper towels at each hand washing sink or other hand drying options approved by an environmental health specialist.

(D) One bathtub or shower for every ten boarding students.

(E) Arrangements for individual privacy for users.

(F) Permanently-wired light fixtures located and maintained so as to give adequate light to all parts of the room.

(G) A window covering on each window to ensure privacy.

(H) Adequate ventilation.

(I) Each self-closing metered faucet, if provided, must provide water flow for at least 15 seconds without the need to reactivate the faucet.
(d) Laundry facilities must be separate from ---

(A) Kitchen and dining areas;

(B) Student living areas, including bedrooms; and

(C) Areas used for the storage of un-refrigerated perishable food.

(e) Storage areas must be provided appropriate to the size of the facility. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils.

(B) Clean linens.

(C) Soiled linens and clothing.

(D) Cleaning compounds and equipment.

(E) Poisons, chemicals, pest control products, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(F) Outdoor recreational and maintenance equipment.

(f) Food service areas.

(A) Kitchens must have facilities for dish washing, storage, and preparation of food and must be separate from student living areas.

(B) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored or in which utensils are washed or stored must be smooth, washable, and easily cleanable.

(C) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, must be easily cleanable, durable, nontoxic, and non-absorbent and must be maintained in a clean and sanitary condition.

(D) All equipment used for food preparation must be installed and maintained in a manner providing ease of cleaning beneath, around, and behind each unit.

(g) Dining area. A separate dining room or area must be provided for the exclusive use of students, employees, and invited guests. The dining area must contain a minimum of 15 square feet per occupant.

(h) Classrooms and school buildings must be adequate in size and arrangement for the programs offered.

(i) Time-out rooms. Rooms used for time out or quiet time must have adequate space, heat, light, and ventilation and must not be capable of locking.
(j) **Activity area.** A usable recreational activity area must be provided that is --

(A) Protected from motor traffic and other hazards; and

(B) Of a size and availability appropriate to the age and needs of the children served by the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0221
**Boarding Student Furnishings and Personal Items**

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) **Furniture.** Furniture must be provided for each *boarding student* (defined in OAR 413-215-0206) including:

(a) A bed, including a frame;

(b) A clean, comfortable mattress; and

(c) A private dresser, closet, or similar storage area for personal belongings that is readily accessible to the boarding student.

(2) **Linens.** Linens in good repair must be provided or arranged for each *boarding student*, including:

(a) A waterproof mattress cover or waterproof mattress;

(b) Sheets, pillows, and pillowcase;

(c) Blankets appropriate in number and type for the season and the comfort of the individual boarding student; and

(d) Towels and washcloths.

(3) **Bedding must be changed when soiled and upon change of occupant.**

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0226
**New Facility or Remodel**

An *academic boarding school* (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) **Building Plans.** An *academic boarding school* must submit to the Department for approval a set of plans and specifications for each *facility* (defined in OAR 413-215-0206), operated by the *academic boarding school* and utilized by boarding students, at each of the following times:
(a) Prior to construction of a new building;

(b) Prior to construction of an addition to an existing building;

(c) Prior to the remodeling, modification, or conversion of a building; and

(d) In support of an application for initial license to operate an academic boarding school under OAR 413-215-0001 to 413-215-0131 and OAR 413-215-0201 to 413-215-0276.

(2) The required plans must comply with both current Oregon Structural Specialty Codes (OAR 837-040-0140) and local fire and safety codes.

(3) Plans must be drawn to scale and must specify the estimated date upon which construction, modification, or conversion will be completed.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0231
Environmental Health

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) The academic boarding school must maintain an environment that ensures safety for staff (defined in OAR 413-215-0206) and boarding students.

(2) Environmental Health Specialist approval. Prior to licensure and every two years upon license renewal, the program must be assessed and provide documentation of approval by a registered environmental health specialist (see OAR 338-010-0025 to 338-010-0038) for the following safety areas:

(a) Food service risk assessment.

(b) Drinking water or waste water assessment.

(c) Vector and pest control, including the use of pesticides and other chemical agents.

(d) Hazardous material management, including handing and storage.

(e) Recreation assessments (such as playgrounds, swimming pools, and hot tubs) for injury prevention and hazard mitigation.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0236
Food Services

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements with regard to food services:
(1) Nutrition and dietary requirements.
   (a) An academic boarding school must arrange meals daily, consistent with normal mealtimes.
   (b) Snacks must be available and provided as appropriate to the age and activity levels of boarding students.
   (c) Menus must be prepared in advance in accordance with USDA guidelines and must provide a sufficient variety of foods served in adequate amounts for each child at each meal, adjusted for seasonal changes. Records of menus as served must be maintained in the academic boarding school for at least six months.
   (d) Drinking water must be freely available to the children served by the academic boarding school.

(2) Food selection, storage, and preparation.
   (a) All food and drink provided by the academic boarding school must be stored, prepared, and served in a sanitary manner.
   (b) All employees who handle food served to children must have a valid food handlers card pursuant to ORS 624.570.
   (c) Selection of food. All food products served by an academic boarding school must be obtained from commercial suppliers, except:
      (A) Fresh fruits and vegetables and fruits or vegetables frozen by the academic boarding school may be served.
      (B) The serving of unpasteurized juice is prohibited.
   (d) Requirements related to milk.
      (A) Only Grade A pasteurized and fortified milk may be served to children.
      (B) Milk and fluid milk products must be dispensed from a commercially filled plastic container of not more than one-gallon capacity or from a refrigerated bulk container equipped with a dispensing device approved by the Food and Drug Administration or the Oregon Department of Agriculture.
   (e) Children may participate in activities in a food-preparation area, other than routine clean up, only while under the supervision of the employees of the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327
An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) **Fire safety.** Prior to licensure and every two years upon license renewal, the program must be assessed and approved by the State Fire Marshall or designee for the following fire safety areas:

   (a) The academic boarding school must provide fire safety equipment which meets the requirements of applicable building codes and the Oregon Fire Code (see OAR 837-040-0010 and 837-040-0020).

   (b) The academic boarding school must comply with existing state and local fire safety codes.

(2) **Emergency plan.**

   (a) The academic boarding school must have, for each boarding facility (defined in OAR 413-215-0206) it operates, a written emergency plan that includes:

      (A) Instructions for evacuation of children and employees in the event of fire, explosion, accident, or other emergency.

      (B) Instructions for response in the event of a natural disaster, external safety threat, or other emergency.

   (b) Telephone numbers for local police and fire departments and other appropriate emergency numbers must be posted near all telephones.

   (c) Operative flashlights sufficient in number must be readily available to the staff (defined in OAR 413-215-0206) in case of emergency.

(3) **Evacuation drills.**

   (a) An unannounced evacuation drill must be held monthly under varying conditions to simulate the unusual conditions that occur in the event of fire. For each drill, the academic boarding school must document the following information and retain it for a minimum of two years:

      (A) Identity of the person conducting the drill.

      (B) Date and time of the drill.

      (C) Notification method used.

      (D) Staff members on duty and participating.

      (E) Number of occupants evacuated.

      (F) Special conditions simulated.
(G) Problems encountered.

(H) Time required to accomplish complete evacuation.

(b) The academic boarding school must ensure that all employees and children are aware of the procedures to follow in case of emergencies.

(4) Hazards.

(a) The academic boarding school must protect children it serves from guns, drugs, plastic bags, sharps, paint, hazardous materials, bio-hazardous materials, and other potentially harmful materials. An academic boarding school must have a written policy that addresses potentially harmful materials that are in the building accessible to the children in the program or on the grounds of the program.

(b) The temperature of hot water used for hand washing, bathing, or showering must be controlled so that it does not exceed 120 degrees Fahrenheit in all buildings serving children. Direct supervision by staff must be provided for any child who does not have the ability to adjust and control water temperature.

(c) Each light fixture must have a protective cover unless it is designed to be used without one.

(5) Transportation. The academic boarding school must ensure the following when providing transportation to the children it serves:

(a) Driver requirements.

(A) Each employee (defined in OAR 413-215-0206) transporting a child in a motor vehicle must have a current driver license on record with the academic boarding school.

(B) The academic boarding school may use an employee to provide transportation for children only if the employee is covered by an insurance policy in full force and effect, and in compliance with the standards set by the academic boarding school.

(C) The academic boarding school must ensure that employees providing transportation are trained in emergency procedures, including behavior management, while in a vehicle.

(D) The academic boarding school must ensure that each person who transports a child in a van for 15 or more passengers receives training in the safe operation of that type of vehicle prior to transporting children.

(b) Vehicle requirements.

(A) Each vehicle used to transport a child served by the academic boarding school must be covered by an insurance policy in full force and effect.
(B) Each vehicle used to transport a child served by the academic boarding school must be maintained in safe operating condition.

(C) Each vehicle used to transport a child must meet the vehicle requirements as set by the Department of Education.

(D) Each vehicle used to transport a child must be smoke-free.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0246
Health Services

(1) An academic boarding school (defined in OAR 413-215-0206) must obtain all private health record information referred to in this rule in a manner that complies with federal and state law.

(2) Medical History. Within 30 days of a child starting in an academic boarding school, the academic boarding school must obtain available medical history and other health-related information on the child, including:

(a) Significant findings of the most current physical examination;

(b) The child's current immunizations, history of surgical procedures and significant health issues or injuries, and past or present communicable diseases;

(c) Any known allergies;

(d) Physician or qualified medical professional's orders, including those related to medication (defined in OAR 413-215-0206), if any.

(3) An academic boarding school must have established protocols for accessing routine and urgent medical care for the boarding students with the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0251
Medication

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Policy and procedures. The academic boarding school must have policies and procedures that cover all prescription and non-prescription medication (defined in OAR 413-215-0206) that address all of the following:

(a) How the medication will be administered.

(b) By whom the medication will be administered.

(2) A prescription, signed by a physician or qualified medical professional, is required before any prescription medication is administered to, or self-administered by a child.
Medication prescribed for one child may not be administered to, or self-administered by another child or staff (defined in OAR 413-215-0206). As used in this rule, "self-administration of medication" refers to the act of a boarding student (defined in OAR 413-215-0206) placing a medication internally in, or externally on, his or her own body.

(3) Medication storage.

(a) A prescription medication that is unused and any medication that is outdated or recalled may not be maintained in a facility (defined in OAR 413-215-0206). "Outdated" means any medication whose designated period of potency, as indicated on the label, has expired.

(b) The facility may maintain a stock supply of non-prescription medications.

(c) All prescription and non-prescription medications stored in the facility must be kept in a manner that they are accessible only to staff or the boarding student for whom the medication is intended.

(d) A medication requiring refrigeration must be refrigerated and kept in a manner that it is accessible only to staff or the boarding student for whom the medication is intended.

(4) Medication disposal. Medication must be disposed of in a manner that ensures that it cannot be retrieved, in accordance with all applicable state and federal law.

(5) A written record of all medications disposed of by the academic boarding school must be maintained and must include all of the following:

(a) A description of the prescribed medication and the amount disposed.

(b) The child for whom the medication was prescribed.

(c) The reason for disposal.

(d) The method of disposal.

(e) The name of the person disposing the medication, and the initials of an adult witness.

(6) Medication Records. A written record must be kept for each child listing each medication, both prescription and over-the-counter, that is administered or dispensed by the academic boarding school. The record must include all of the following:

(a) The child's name.

(b) A description of the medication, instructions for use, and the recommended dosage.

(c) Dates and times medication is administered.

(d) A record of missed dosages.
(e) Medication dropped or disposed of.

(f) Method of administration for each medication.

(g) Identification of the person administering the medication.

(h) Any possible adverse reactions to the medication.

(i) Documentation of any medication taken outside the facility to be administered during a home visit or other activity.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0256
Staff Training

In addition to the requirements to provide orientation in OAR 413-215-0061(4), an academic boarding school (defined in OAR 413-215-0206) must meet the all of the following training requirements with respect to its staff (defined in OAR 413-215-0206):

(1) Staff of the academic boarding school must be provided with orientation training prior to or within 30 days of hire.

(2) Staff of the academic boarding school must receive ongoing training at least annually on all of the following:

(a) Mandatory child abuse reporting.

(b) Procedures for handling emergencies.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0261
Minimum Staffing Requirements

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) The academic boarding school must provide adequate supervision and protection for children. The supervision must be adequate for the type of program, location of program, the time of day or night, the age and type of children served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure supervision and protection.

(2) Additional staffing requirements for emergency response.

(a) When there is only one employee (defined in OAR 413-215-0206) of the academic boarding school on duty in a facility (defined in OAR 413-215-0206), there must be additional staff (defined in OAR 413-215-0206) immediately available in the event of an emergency, with a maximum response time of 30 minutes.
(b) One employee who is age 18 or over, has a current certification in cardiopulmonary resuscitation and first aid, and is capable of taking appropriate action in an emergency must be on site at all times when one or more boarding students are present on the premises of the academic boarding school.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0266
Separation of Children

An academic boarding school (defined in OAR 413-215-0206) must meet all of the following requirements:

(1) Combining children and adults. Special care must be taken by an academic boarding school to provide adequate supervision of children when adults are being served by the academic boarding school. Children and adults must be housed in separate bedrooms, except that a child (defined in OAR 413-215-0206) and the child's parent may be housed in the same room if the parent is the child's caretaker. If a person is 18 years of age or older, and is to share a bedroom with a child, the academic boarding school must obtain written approval from the DHS Licensing Coordinator.

(2) Co-ed facilities. Special care must be taken by an academic boarding school to provide adequate supervision when the program serves both males and females concurrently. Children's bedrooms for males must be separated from bedrooms for females.

Stat. Auth.: ORS 409.050, 418.005, 418.327
Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0271
Consents, Disclosures, and Authorizations

(1) Consents. For each boarding student (defined in OAR 413-215-0206) of an academic boarding school (defined in OAR 413-215-0206), the academic boarding school must ensure that a parent or legal guardian signs a consent that authorizes the academic boarding school to undertake each of the following:

(a) To provide routine and emergency medical care. However, if the parent or legal guardian relies on prayer or spiritual means for healing in accordance with the creed or tenets of a well-recognized religion or denomination, the academic boarding school is not required to use medical, psychological, or rehabilitative procedures, unless the child is old enough to consent to these procedures and does so. The academic boarding school must have policies and procedures for this practice, which are reviewed and approved by the boarding student's parent or legal guardian.

(b) To provide care (defined in OAR 413-215-0206) to the student.

(2) The academic boarding school will make any written policy or procedure pertaining to program services available for review by the child, parent, or legal guardian, upon request.
(3) **Authorizations.** Authorizations must be pre-approved by the child's parent or legal guardian to allow children to participate in potentially hazardous activities, such as but not limited to using motorized yard equipment, swimming, and horseback riding.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

413-215-0276

**Information about Boarding Students**

Child's files. For each boarding student (defined in OAR 413-215-0206) of an academic boarding school (defined in OAR 413-215-0206), the academic boarding school must maintain a record that includes all of the following information:

(1) The child's name, gender, and date of birth.

(2) The date of admission to the program.

(3) The name, address, and telephone number of:

(a) The child's parents.

(b) The child's legal guardian, if different than the parents, and a copy of the document that provides for his or her authority over the child.

(4) **Incident Reporting.** A written description of any injury, accident, or unusual incident involving a child must be placed in the individual child's record.

Stat. Auth.: ORS 409.050, 418.005, 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.327

**Contact(s):**

- Name: CAF Reception; Phone: 503-945-5600

**Policy History**

- 12/29/95