

**§ 36.70**

**25 CFR Ch. I (4–1–08 Edition)**

time and resources required which otherwise would be available for these standards;

(2) Modify any policies and practices which interfere with or compromise a school's capability to achieve and maintain these standards;

(3) Invite non-Federal agencies to evaluate the effects current policies and procedures have had on complying with the requirements of this part; and

(4) Submit annually to the Director a copy of the summative evaluation.

**Subpart G—Homeliving Programs**

AUTHORITY: 25 U.S.C. 13; 25 U.S.C. 2008; Pub. L. 107–110 (115 Stat. 1425).

SOURCE: 72 FR 68498, Dec. 5, 2007, unless otherwise noted.

**§ 36.70 What terms do I need to know?**

The following definitions apply to this subpart:

*Behavioral health professional* means a State licensed or State certified Social Worker, School Counselor, Drug and Alcohol Counselor, School Psychologist, or School Psychometrist responsible for coordinating a broad range of needs including:

- (1) Support groups;
- (2) Individual counseling;
- (3) Crisis intervention;
- (4) Preventive activities; and
- (5) Coordination of referrals and outside services with appropriate providers.

*Behavioral Health Program* means a homeliving based service designed to decrease barriers to learning or increase positive, personal well-being by:

- (1) Providing early intervention services, coordinating crisis intervention and prevention services;
- (2) Promoting a positive social and emotional environment;
- (3) Reducing the incidence of problems; and
- (4) Referring students with behavioral needs that require professional medical care to an appropriate residential care facility.

*Behavioral health services* means the services provided by a school behavioral health program as defined in this section.

*Homeliving Manager* means the employee responsible for direct super-

vision of the homeliving program staff and students.

*Homeliving Program* means a program that provides room and board in a boarding school or dormitory to residents who are either:

(1) Enrolled in and are current members of a public school in the community in which they reside; or

(2) Members of the instructional program in the same boarding school in which they are counted as residents and:

(i) Are officially enrolled in the residential program of a Bureau-operated or funded school; and

(ii) Are actually receiving a homeliving program provided to all students who are provided room and board in a boarding school or dormitory.

*Homeliving Program Staff* means the employee(s) responsible for direct supervision of students in the homeliving area.

*Homeliving Supervisor* means the employee with overall administrative responsibility for supervising students, programs, and personnel in the homeliving area.

**§ 36.71 What is the purpose of this part?**

The purpose of this part is to establish standards for homeliving programs.

**STAFFING**

**§ 36.75 What qualifications must homeliving staff possess?**

(a) Homeliving staff must possess the qualifications shown in the following table:

Position	Required training
(1) Homeliving Supervisor.	Must be qualified based on size and complexity of the school, but at minimum possess a bachelor's degree.
(2) Homeliving Manager.	Must be qualified based on the size and complexity of the student body but must at a minimum have an associate's degree no later than 2008.
(3) Homeliving Program Staff.	Must have at least 32 post-secondary semester hours (or 48 quarter hours) in an applicable academic discipline, including fields related to working with children, such as, child development, education, behavioral sciences and cultural studies.

(b) A person employed as a homeliving program staff:

**Bureau of Indian Affairs, Interior**

**§ 36.81**

(1) Should meet the requirements of paragraph (a) of this section by the 2009–2010 school year; and

(2) May, upon showing good cause, petition the school supervisor (or the homeliving supervisor for peripheral dorms) for a waiver from the new qualifications.

**§ 36.76 Who is in charge of all homeliving operations?**

One staff member who has the authority to ensure the successful functioning of all phases of the homeliving program should be designated as in charge of all homeliving operations. All staff should be advised of the lines of authority through an organizational chart approved by the local board responsible for operations of the homeliving program.

**§ 36.77 What are the homeliving staffing requirements?**

Homeliving programs must meet the staffing requirements of this section.

(a) Effective with the 2009–2010 school year, each homeliving program must maintain the following student minimum supervisory requirements on weekdays:

Grade level	Time of day	Ratio
Elementary (Grade 1–6)	Morning .....	1:20.
	During school .....	As school needs.
	Evening .....	1:20.
	Night .....	1:40.
High School (Gr. 7–12)	Morning .....	1:20.
	During school .....	As school needs.
	Evening .....	1:30.
	Night .....	1:50.

(b) The following staffing ratios apply on weekends:

Grade level	Time of day	Ratio
Elementary (Grade 1–6) .....	Morning/day .....	1:20.
	Evening .....	1:20.
	Night .....	1:40.
High School (Gr. 7–12) .....	Morning/day .....	1:40.
	Evening .....	1:40.
	Night .....	1:50.

**§ 36.78 What are the staffing requirements for homeliving programs offering less than 5 nights service?**

For homeliving programs providing less than 5 nights service, the staffing levels from 36.77 apply. To fill this requirement, the program must use only

employees who work a minimum of 20 hours per week.

**§ 36.79 What are the homeliving behavioral professional staff/student ratio requirements?**

Behavioral health professional(s) is necessary in homeliving programs to address issues, such as abuse, neglect, trauma, cultural conflict, and lack of school success. Each homeliving program must provide a minimum of one half-time behavioral health professional for every 50 students.

(a) The program may fill the staffing requirements of this section by using contract services, other agencies (including the Indian Health Service) or private/nonprofit volunteer service organizations.

(b) Off-reservation homeliving programs should consider providing one full-time behavioral health professional for every 50 students.

(c) For purposes of this section, a one half-time behavioral health professional is one that works for the homeliving program a minimum of 20 hours per week.

(d) For purposes of this section, in instances where the behavioral health services are obtained through other programs, the behavioral health professional must be available at the request of the homeliving program.

**§ 36.80 If a school or dormitory has separated boys' and girls' homeliving programs, may the same behavioral professional be used for each program?**

Yes, a program may use the same behavioral professional for both boys' and girls' programs. However, behavioral health staffing requirements are based on the combined enrollment during the homeliving count period.

**§ 36.81 May a homeliving program use support staff or teachers to meet behavioral health staffing requirements?**

No, a homeliving program must not use support staff or teachers to meet behavioral health staffing requirements. The only exception is if the individual support staff employee or teacher has the appropriate behavioral health license or certification.