RHODE ISLAND GOVERNMENT REGISTER

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Children, Youth and Families

DIVISION: Rhode Island Training School

RULE IDENTIFIER: ERLID 7787

REGULATION TITLE: Food Service 1200.0900

RULEMAKING ACTION: Regular rulemaking

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE:
Public Notice Date: **February 27, 2018**
Public comment will end on **March 30, 2018**

SUMMARY OF PROPOSED RULE: The Department proposes to repeal this rule in connection with the proposed adoption of 214-RICR-60-00-1, "Rules and Regulations of the Rhode Island Training School." This rule is being promulgated to replace several existing Rhode Island Training School regulations.

R.I. Gen. Laws § 14-1-36.2 provides that children and youth placed in the custody of the Department of Children, Youth and Families receive suitable treatment, rehabilitation and care in the least restrictive environment.

The mission of the Rhode Island Training School (RITS) is to provide care in a secure facility to youth who are detained or adjudicated by order of the Family Court. The Training School promotes public safety and rehabilitation of residents through a comprehensive continuum of services provided in partnership with families, the community, and the Department in the least restrictive setting compatible with youth and community safety. Supervision, security, education, behavioral health, health and transition services are provided in an individualized, culturally, and gender sensitive manner.

COMMENTS INVITED:
All interested parties are invited to submit written or oral comments concerning the proposed regulations by **March 30, 2018** to the address listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:
All written comments or objections should be sent to, Sarah St. Jacques, DCYF Policy Office, Rhode Island Department of Children, Youth and Families
Mailing Address: DCYF, 3rd Floor, 101 Friendship Street, Providence, RI 02903
Email Address: Sarah.StJacques@dcyf.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: DCYF, 3rd Floor, 101 Friendship Street, Providence, RI 02903

PUBLIC HEARING INFORMATION:
If a public hearing is requested, the place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 462-6266 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of this notice.

FOR FUTHER INFORMATION CONTACT:
Sarah St. Jacques, DCYF Policy Office, Rhode Island Department of Children, Youth and Families, 3rd Floor, 101 Friendship Street, Providence, RI 02903 or Sarah.StJacques@dcyf.ri.gov

SUPPLEMENTARY INFORMATION:
Regulatory Analysis Summary and Supporting Documentation:
There are no new societal costs and benefits in the adoption of this rule.

Authority for This Rulemaking: R.I. Gen. Laws § 42-72-4

Regulatory Findings:
In the development of the proposed regulation, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Repeal:
The Department of Children, Youth and Families proposes to repeal ERLID 7787, "**Food Service 1200.0900** and adopt 214-RICR-60-00-1 as follows in the concise explanatory statement of proposed non-technical amendments below.

The Department of Children, Youth and Families proposes to repeal the following Rhode Island Training School regulations and reissue as Department Operating Procedures (DOPs). All DOP's are accessible to the public and may be viewed on the Department's website at: http://www.dcyf.ri.gov/policyregs/.

The proposed regulation would repeal and supersede the following rules:

- Administrative Classification to Restrictive Status 1200.1308 ERLID: 7256
- Administrative Responsibility 1200.0003 ERLID: 6180
- Administrator on Call 1200.0004 ERLID: 6181
- Behavior Report 1200.1305 ERLID: 6184
- Case Transfers between the Rhode Island Training School and Family Service Units or Juvenile Probation 1200.1620 ERLID: 7774
- Clinical Services at the Rhode Island Training School 1200.1110 ERLID: 7955
- Court Disposition 1200.0014 ERLID: 7785
- Culinary Equipment 1200.0838 ERLID: 6337
- Daily Census Report for the RI Training School 1200.0504 ERLID: 6237
- Discipline for Academic and Vocational Classes 1200.1310 ERLID: 6028
- Education Program at the RI Training School 1200.1701 ERLID: 7993
- Escape 1200.1608 ERLID: 6339
- Facility Capacity 1200.0002 ERLID: 7786
- Facility Management and Environmental Safety 1200.0718 ERLID: 6361
- Fifteen Minute Room Checks 1200.0839 ERLID: 6019
- **Food Service 1200.0900 ERLID: 7787 (This rulemaking action)**
- General Discipline 1200.1300 ERLID: 6020
- Incentive System-Points 1200.0103 ERLID: 7781
- Juvenile and Adult Offender Interactions 1200.0011 ERLID: 6182
- Lawful Detention or Confinement of Juveniles1200.0010 ERLID: 7789
- Legal Assistance 1200.0017 ERLID: 6185
- Legal Establishment 1200.0000 ERLID: 7788
- Lock Up 1200.1307 ERLID: 7258

- Major Discipline Review 1200.1306 ERLID: 7259
- Master Control Center 1200.0857 ERLID: 6341
- Mission, Philosophy, Goals and Purpose 1200.0001 ERLID: 7508
- Movement of Residents on Grounds 1200.0809 ERLID: 6342
- Notice to Superintendent 1200.0702 ERLID: 6387
- Portable Radios1200.0708 ERLID: 6343
- Post Assignments1200.0847 ERLID: 6614
- Protecting and Preserving Evidence1200.0835 ERLID: 6344
- Resident Grievance Procedure 1200.1206 ERLID: 6346
- Resident Handbook 1200.1301 ERLID: 6031
- Resident Personal Property 1200.1203 ERLID: 6241
- Resident Room Inspections 1200.1003 ERLID: 6347
- Resident Telephone Calls 1200.1402 ERLID: 7959
- RITS Personnel Administration 1200.0222 ERLID: 6396
- Safety and Emergency Procedures at the RI Training School 1200.0714 ERLID: 6357
- Search of a Resident of the RI Training School 1200.0819 ERLID: 6977
- Searches for Contraband 1200.0821 ERLID: 6348
- Suicide Prevention and Special Watches 1200.0709 ERLID: 6349
- Tool and Equipment Control at the RI Training School 1200.0855 ERLID: 6350
- Tours of the RI Training School 1200.0007 ERLID: 6115
- Transportation of Residents Off Grounds 1200.0240 ERLID: 6244
- Unusual Incident Report 1200.0827 ERLID: 6351
- Use of Physical Force/Corporal Punishment 1200.1207 ERLID: 6117
- Use of Restraint at the RI Training School 1200.0832 ERLID: 6978
- Use of State Vehicles 1200.0724 ERLID: 6352

SUMMARY OF NON-TECHNICAL CHANGES

PROPOSED REGULATIONS FOR ADOPTION

214-RICR-60-00-01

Title 214 – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
Chapter 60 – Rhode Island Training School

Subchapter 00 – N/A

Part 1 – Rules and Regulations of the Rhode Island Training School

Justification for regulatory changes:

Language added to comply with federal provisions of the Prison Rape Elimination Act P.L. 108-79.

Section 1.1 Purpose

No new provisions, language is from existing state statutes and Department policy.

1.2 Authority

No new provisions, existing state statutes.

1.3 Application

Section Added

1.4 Severability

Section Added

1.5 Definitions

New Definitions:

From Federal Law (Prison Rape Elimination Act): "Sexual Harassment means any verbal comment of gesture (welcome or not) of a sexual nature including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.

"Sick Call" means a scheduled time at which residents may report as sick to the RITS nurse.

From Federal Law (Prison Rape Elimination Act: "Voyeurism" means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

1.6 General Administration

New language added to comply with the federal Prison Rape Elimination Act

C. All Training School employees, and all contractors and consultants who do business at or in any of the components of the Training School, must undergo criminal background checks and must submit to the following criminal background checks every fifth (5th) year of their employment or contractual/consultant relationship with the Training School.

1. Such background checks are conducted during the anniversary month of the employee's date of hire or assignment to the Training School. In the case of contractors/consultants, such background checks are conducted during the anniversary month of the start of that individuals work with the Training School.

2. Five-year criminal background checks include are done using State Bureau of Criminal Investigation (BCI) checks.

3. For employees covered by this policy, failure to submit to these checks may be used as cause for disciplinary action, up to and including dismissal from employment with cause.

4. For consultants and contractors covered by this policy, failure to submit to these checks may be used as cause for termination with cause of any and all agreements for consulting or contracting with the Department, with the consultant/contractor forfeiting any and all

future payments within their contract for services with the Department.

5. Any criminal information found in these checks are subject to administrative review and appropriate disposition.

1.6.1 Resident Handbook

New language added to comply with the federal Prison Rape Elimination Act

1. The Resident Handbook includes information for youth on their rights and PREA safeguards and includes information on how to report sexual harassment and/or sexual abuse, and a place for the youth to sign acknowledging that the youth has received such information.

1.7 Prison Rape Elimination Act

New language added to comply with the federal Prison Rape Elimination Act

A. The RITS complies with the federal Prison Rape Elimination Act (PREA) to provide a safe and therapeutic environment for all youth. Department Operation Procedures outline and implement a comprehensive approach to preventing, detecting and responding to sexual abuse, including voyeurism, and sexual harassment.

B. Any physical contact of a sexual or sexualized nature between any RITS provider, vendor, contractor, volunteer, or staff toward a youth detained or adjudicated at the RITS is deemed abusive; such contact is reported to the CPS Hotline and is investigated.

1. The Department has zero tolerance for voyeurism or sexual harassment by any Department provider, contractor, volunteer or staff toward a youth detained or adjudicated at the RITS and includes voyeurism and/or sexual harassment as a form of sexual abuse.

C. Any Department staff engaging in sexual abuse or harassment toward a child/youth in care or detained or adjudicated at the RITS is subject to discipline up to and including dismissal without warning and referred to law enforcement agencies unless the activity was clearly not criminal, and to relevant licensing bodies, as appropriate.

D. Any contractor, provider, intern or volunteer who violates Department sexual abuse or harassment policies is prohibited from contact with residents and

reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies, as appropriate.

1.13 Visitation

Language amended to comply with the Prison Rape Elimination Act

E. All visitors are subject to a criminal record background check and a clearance of agency activity check prior to being approved for visitation.

F. All visitors are subjected to a search upon entry to the facility.

G. Visitors are prohibited from bringing contraband in to the facility at any time. The contraband and search policy for visitors is posted at the entrance to the facility.

K. ~~There are regular family forums at which families of detained youth may voice issues of concern, offer suggestion for improvement, and obtain needed information about institutional policies and practices.~~

1.15 Resident Searches

Updated to comply with the federal Prison Rape Elimination Act

4. Clothed Body Search;

5. Except in exigent circumstances, any search of a resident is conducted by a staff member of the same gender as the youth or, in the case of a transgender or intersex identified youth, by a staff member of the gender that the youth has identified as the preferred gender for this purpose. Any search of a resident complies in all respects with the requirements of the Prison Rape Elimination Act as detailed in Department Operating Procedure as well as in Department training.

Food Service

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: Training School
Policy: 1200.0900
Effective Date: March 1, 2011 Revised: July 7, 2014 Version: 2

The Recommended Dietary Allowances of the National Academy of Sciences are used as a guide in developing menus for three nutritionally adequate meals a day for residents. Meals are planned in advance with a consulting dietitian to consider flavor, texture, temperature and palatability. Special diets prescribed by appropriate medical personnel are implemented for residents. Reasonable provisions are made to assist residents in adhering to religious beliefs regarding diet. Food, including snacks, is not withheld, nor is the facility's standard menu varied for disciplinary reasons.

Related Procedure

Food Service

Related Policy

Legal Establishment

Budget, Procurement, Contract and Fiscal Operations
Rhode Island Children's Information System (RICHIST)

Procedure from Policy 1200.0900: Food Service

A. Meals or snacks are never withheld as a form of discipline.

B. The Principal Cook has at least three years experience in institutional food service and supervises food service operations. The Principal Cook ensures that:

1. Nutritionally balanced menus are developed at least a week in advance and are available for review by the Superintendent of designee. Any changes substitutions in the menu as served are of nutritionally equivalent value to the item replaced and are documented in a log.
2. The residents' last daily meal is never served before 5:00 P.M.
3. A daily menu is posted in the cafeteria and in each unit and facility. Except for those residents on a special diet as described in paragraphs C and D, below, the food service plan provides for a single menu for residents and staff.
4. The facility's dietary allowances are reviewed at least annually by a licensed dietitian to reflect national nutritional standards for adolescents and young adults.
5. Adequate resources are available to provide a complete food service, including three meals a day that are adequate, palatable, attractive and produced under sanitary conditions.
    a. Food service budgeting, purchasing and accounting conform to DCYF Policy 100.0085, Budget, Procurement, Contract and Fiscal Operations.
    b. If the Principal Cook identifies any condition that would preclude such

service, he/she brings it to the immediate attention of the Superintendent or designee.

6. Food is stored and prepared in conformance with federal, state and local codes.
    a. Food service staff are in good health and free of communicable diseases. Food service staff are subject to a yearly physical examination as necessary to preclude illness transmissible by food or utensils.
    b. All areas of the kitchen are clean and sanitary at all times.
    c. Staff preparing and serving food keep hands and fingernails clean, employ hygienic food handling techniques, utilize caps or hairnets and wear clean, washable garments at all times.
    d. Residents assisting in the kitchen are monitored for health and cleanliness and instructed in hygienic food handling techniques.
7. Accurate records of meals planned and served as well as all documentation required by federal, state and local code regarding sanitation and food safety are maintained.

C. Requests for special diets based on health needs of residents are made to the Principal Cook by medical personnel.

1. The Principal Cook consults the Nutritionist and medical personnel to identify the nutritionally and medically appropriate diet for the resident.

2. The special diet is documented in the resident's electronic case record in conformance with DCYF Policy 700.0100, Rhode Island Children's Information System (RICHIST).
3. Clinic staff ensure that Unit staff are apprised of the resident's dietary needs.
4. Unit Staff responsible for the Unit Log Book enters information relating to special diets in the Unit Log Book.
5. Medical personnel and the Principal Cook review any order for special diet on a monthly basis and make adjustments as necessary.

D. Requests for special diets for religious purposes are approved by the appropriate Chaplain and accommodated as much as possible.
1. The Principal Cook makes provisions for the resident's special diet.
2. The special diet is reviewed monthly by the appropriate Chaplain.

E. The Superintendent or designee inspects the food preparation and dining areas weekly and food service equipment daily.

F. The Unit Manager inspects any area in the unit in which food is prepared, stored or served on a weekly basis.

G. Residents are served meals in an appropriate setting with consistent supervision as well as safe, hygienic handling and storage of food.
1. Only the Superintendent or designee may change the designated dining area of a unit.
a. Residents of the Youth Development Center (YDC) eat in the YDC cafeteria.
b. Residents in the Youth Assessment Center eat in the designated area in each facility.
i. Staff provide meals to residents in a timely fashion to ensure safety in food temperatures and adequacy in quality.
ii. Staff ensure that food containers are rinsed out and left reasonably clean before returned to the kitchen.
2. Unit staff accompany residents to and from the designated dining area and remain with the residents during the meal.
3. To encourage good supervision and interactions with residents, the Division provides meals to staff. The cafeteria does not accept cash for meals or food from any resident or staff. Food service is prioritized as follows:
a. Residents
b. Unit Staff supervising residents
c. Clinical staff on duty
d. Kitchen staff on duty
e. Maintenance staff
f. Master Control Center Staff on duty
g. Other staff on duty based on availability
4. Unit staff are notified by the cafeteria if there is a change in the scheduled meal time.

H. Paragraphs A - G are consistent with American Correctional Association Standards 3-JDF-4A-01; 3-JTS-4A-01; 3-JDF-4A-02; 3-JTS-4A-02; 3-JDF-4A-03; 3-JTS-

~~4A-03-JDF-4A-01; 3-JTS-4A-04; 3-JDF-4A-05; 3-JTS-4A-05; 3-JDF-4A-06; 3-JTS-4A-06; 3-JDF-4A-07; 3-JTS-4A-07; 3-JDF-4A-08; 3-JTS-4A-08; 3-JDF-4A-09; 3-JTS-4A-09; 3-JDF-4A-10; 3-JTS-4A-10; 3-JDF-4A-11; 3-JTS-4A-11; 3-JDF-4A-12; 3-JTS-4A-12; 3-JDF-4A-13; 3-JTS-4A-13; 3-JDF-4A-14; 3-JTS-4A-14 and 3-JTS-4A-15.~~