**Section 801.640 Discipline of Youth**

a) The facility shall develop a multi-level behavioral management and disciplinary plan which focuses on preventing negative behavior through intervention techniques. The process shall be individualized in its approach with each youth in teaching pro-social values and behavior.

b) The plan shall include rules of behavior for youth in simple, understandable language. The rules shall differentiate between major and minor infractions.

c) The plan shall:

1) Detail the purpose, scope, and limits of the approved behavioral management techniques;

2) Describe the personnel authorized to administer the behavioral management techniques and the methods and procedures by which the techniques are to be administered;

3) Outline the disciplinary penalties for violation of the rules of behavior and the disciplinary procedure by which such penalties may be imposed;

4) Identify a range of corrective actions available for minor infractions, including counseling efforts and the use of room restrictions for the purpose of behavioral control, and identify those persons with authority to impose room restrictions; and

5) Provide that all persons using the techniques are trained in their use and are supervised.

d) The facility shall not use any behavioral management techniques not contained in the plan as approved by the Department.

e) The rules of behavior and disciplinary penalties shall be made available to each youth.

f) Discipline shall be suited to the infraction and fairly applied. Disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, contact with attorneys or religious representatives, attendance at religious activities, and reductions in the frequency of use of toilets, washbowls, and showers shall be prohibited.

g) Disciplinary restrictions on other privileges shall be related as closely as practicable to abuse of such privileges.

h) A written report of any behavior which may result in disciplinary action shall be made by the employee who observes the behavior, discovers evidence of a rule infraction, or receives information of such behavior from a reliable source.

i) The report shall include the following to the extent known or available:

1) Name and identification number of the youth;

2) Time, date, and place of the rule infraction, including the name of the secure care facility;

3) The infraction alleged to have been committed;

4) A written statement of the behavior observed;

5) The names of witnesses;

6) A statement of any immediate action taken; and

7) Signature of reporting person and the date and time the report was made.

j) The report and action requested shall be reviewed by the facility shift supervisor if the action taken results in loss of privileges or room restrictions.

k) The report must be filed with the Chief Administrative Officer within 72 hours after the occurrence of the infraction or the discovery of it and shall be placed in the youth's file. A copy of the report shall be forwarded immediately to the Licensing Administrator in all cases of major violation which result in confinement.

l) If the Chief Administrative Officer determines that the minor corrective action was inappropriate or ineffective or that the youth has not regained control, the youth may be confined in his or her room for a period up to 24 hours. When determined necessary, such confinement may be renewed in writing by the Chief Administrative Officer for up to an additional 24 hours.

m) If a youth is suspected of violating a major rule, an investigation may be conducted. A youth may be confined in his or her room or in a designated area by the Chief Administrative Officer pending resolution of the investigation or pending a disciplinary hearing. The decision to place in such confinement may depend on: the aggressiveness of the youth; the threat to safety and security; and the seriousness of the rule infraction. Any major violations which may constitute a criminal offense must be reported immediately to the Licensing Administrator as an unusual incident.

n) No youth may be confined for disciplinary reasons for more than seven consecutive days nor more than 15 days in any 30 day period except in cases of violence or attempted violence committed against another person or property when an additional period of confinement for disciplinary reasons is approved by the Chief Administrative Officer.

o) In disciplinary cases which may involve the imposition of disciplinary confinement or a change in education or other programming of more than seven days duration, the Chief Administrative Officer shall establish disciplinary procedures which include at a minimum:

1) An impartial decision-maker shall be appointed. The person or persons who initiate a disciplinary charge against a youth shall not decide the charge. To the extent possible, a person representing the counseling staff of the facility shall participate in deciding the disciplinary case.

2) Any youth charged with a violation of rules of behavior shall be given notice of the charges including a statement of the misconduct alleged and of the rules this conduct is alleged to have violated.

3) Any youth charged with a violation of rules is entitled to a hearing on that charge at which time he or she shall have an opportunity to appear before and address the person or persons deciding the charge.

4) The persons deciding the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned. The youth may request that certain witnesses be interviewed prior to the hearing.

5) The decision-maker shall decide whether the youth committed the offense based upon all relevant information and evidence. The person deciding must be reasonably satisfied that the youth committed the offense for him or her to be found guilty.

6) If the charge is sustained by the Chief Administrative Officer, the youth charged is entitled to a written statement of the decision by the persons deciding the charge which shall include the basis for the decision and the disciplinary action, if any, to be imposed.

7) The hearing summary shall include the following:

A) The name and identification number of the youth;

B) The date, time, and location of the offense, including the name of the secure care facility;

C) The hearing date and time;

D) The names of any witnesses and a statement of any witnesses' testimony provided prior to or at the hearing;

E) A record of the hearing proceedings;

F) A disposition and basis for the decision, including a finding of guilty or not guilty on each charge and the rationale for each finding;

G) The disciplinary action recommended to the Chief Administrative Officer;

H) The decision by the Chief Administrative Officer, which may include approval, disapproval, or changes to the recommendation; and

I) The signature of the Chief Administrative Officer and the date reviewed.

8) A copy of the disciplinary report and the hearing summary shall be filed in the youth's master record file.

p) Disciplinary action imposed under this Section may be appealed under the grievance procedure established in Section 801.660 of this Subpart.