

**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.