

**RESIDENTIAL TREATMENT PROGRAM
Licensing Report**

Name:	New England Kurn Hattin Homes for Children	Original:	
Address:	PO Box 127; 708 Kurn Hattin Road	First Relicense:	
	Westminster, VT 05158	Renewal:	X
Telephone:	802-722-3336		
Website:	www.kurnhattin.org	Licensed Capacity:	108
		Gender:	M & F
Date(s) of Site Visit:	10/30/19; 11/1/19; 11/4/19; 11/6/19; 11/8/19; 11/21/19; 12/20/19	Age:	5 – 15yo
Licensors(s):	Lauren Higbee & Chris Ward		

Methodology

Review: X Application Documents X Fire Safety Inspection documents X Minutes of Board Meetings X Communication logs X Medication logs X Evacuation drill logs X Secretary of State Website	Review: X Program Description X Program Policies & Procedures X Organizational Chart X Staff Roster/files/background Checks X Staff Schedules X Staff Training Records/Supervision X Client files	Interview: X Children/Youth X Parents X Supervisory & Direct Care Staff X Clinicians X Administrators X Collateral agencies/departments X Inspect physical facility(ies)
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Program Summary:

New England Kurn Hattin Homes (Kurn Hattin) has been licensed as a Residential Treatment Program (RTP) since 1997. Residential Licensing and Special Investigations (RLSI) is tasked, in collaboration with Kurn Hattin, to determine the appropriate licensing body to provide oversight to the program. During this licensing review, the summary of Program Descriptions from various brochures and agency literature is included in this section to begin to answer that question.

Kurn Hattin's 2018 – 2019 Program Description describes themselves as, "A program of assessment, planning and service provides each child a chance to attain a life of civic and social responsibility through education, structured residential care, social skills training, recreational opportunities, and counseling. This is achieved through the collaborative efforts of administrators, educators, counselors, nurses, house parents, and other caring adults."

Kurn Hattin's Executive Director, Steven Harrison, provided RLSI with a copy of the agency's self-study report that was submitted to the New England Association of Schools and Colleges' (NEASC) Commission on Independent Schools as part of their accreditation process. This thorough self-study provided additional contextual information about the programming at Kurn Hattin. For example, in Standard 2 titled *Governance*, Kurn Hattin states, "The governance structure provides for a continuity of mission as each department works together to provide adequate services to help our children experience, safe, stable, nurturing environment in order to transform their lives into successful young adults." There was consistency in staff interviews to intentionally use the term "services" or to say the program provides services to children in their care as opposed to "treatment."

In Standard 4 regarding *Programming*, it states, "Kurn Hattin provides a comprehensive program of academic, social, and physical activities that foster the development of the whole child at each developmental stage. The program is designed to meet the needs of the children who are enrolled. It is planned, developed and researched by staff members who receiving training in trauma-informed care, attachment disorder, skills-based learning, and many other concepts that take into consideration the children we serve and their backgrounds."

Standard 5, *Experience of the Students*, explains "Kurn Hattin's target population is geared toward families of lower socioeconomic status and children who have likely experienced one or more adverse childhood experiences [ACES]. Direct care staff members are aware of the home situations that students have experienced and have received training in ACES and CPI [Crisis Prevention Intervention] in an effort to help them know how to best respond to students." In the section *Resources to Support the Program*, the discussion explains that "Many of our students arrive with profound social, emotional, and/or academic needs and significant trauma backgrounds." In the *Residential Program* section, the self-study states, "Kurn Hattin is a home for children first, and the school is part of the support system."

In the 2019 Annual Report, Mr. Harrison writes, "We seek to transform cycles of poverty, dysregulation, and dysfunction in children's lives, instilling in them the ability to enter the adult world as balanced, contributing members of civil society. We accomplish this through care and nurture, consistent structure, predictable treatment, de-escalation techniques, logical consequences, celebrations of success, and restorative practices —along with great fundamental education tailored for each child's needs as much as possible."

Through careful review of available information, RLSI concludes that Kurn Hattin operates in form and function as an educational program with boarding options rather than a traditional treatment-oriented RTP. However, as exemplified in the above program descriptions and review of admission records during this licensing term, the lines are blurred between what is advertised as "residential care" and what is construed by many as the provision of treatment for children with known trauma histories. It is precisely this intersection that has justified the ongoing regulatory oversight of Kurn Hattin as an RTP until this licensing review when program administration expressed a desire to function solely as an educational institution rather than RTP. In order for the cessation of DCF regulation to occur, Kurn Hattin must make clear and specific changes to their web-based advertising of their program description; admit only children and youth whose needs can be met within the program; notify primary referral sources of no longer being licensed by DCF; and continue to practice as mandated reporters with any incidents of suspected child abuse and neglect per Vermont statute.

REGULATORY OVERSIGHT

	Compliance	
101 A Residential Treatment Program shall not be operated without the formal prior approval of the Department for Children and Families, Residential Licensing Unit (hereafter "Licensing Authority").	C	
102 A program, which was already operational before the need for a license was determined, may be considered to be in compliance if the program has applied for and is making satisfactory progress toward licensure.	C	

103 A Residential Treatment Program shall allow the Licensing Authority to inspect all aspects of a program's operation which may impact children/youth.	C	
104 A Residential Treatment Program shall allow the Licensing Authority to interview any employee of the program and any child/youth in the care of the Residential Treatment Program.	C	
105 These regulations are not meant to supersede State or Federal mandates.	C	
PROCEDURES		
106 An applicant shall apply for a license on a form provided by the Licensing Authority and provide requested information.	C	
107 When a Residential Treatment Program has made timely and sufficient application for licensing renewal, the existing license does not expire until the application for renewal has been acted upon by the department.	C	
108 A license may be issued with conditions when regulations have not been met, provided that the non-compliance does not constitute an unsafe situation or a major programmatic weakness and the program acts immediately to address the identified non-compliance.	C	
VARIANCE		
112 A Residential Treatment Program shall comply with all applicable regulations unless a variance for a specific regulation(s) has been granted through a prior written agreement with the Licensing Authority.	C	
113 A variance for specific regulation(s) shall be granted only when the Residential Treatment Program has documented that the intent of these regulation(s) will be satisfactorily achieved in a manner other than that prescribed by the regulation(s).	C	
114 When a Residential Treatment Program fails to comply with the variance agreement, the agreement shall be subject to immediate cancellation.	C	
RENEWAL		
115 Application for renewal of a Residential Treatment Program license shall be made in accordance with the policies and procedures of the licensing authority.	C	The application for this licensing period was received on 9/28/2018. Supplemental and collateral documentation has been updated since that date.
CHANGES		
116 A Residential Treatment Program shall notify the Licensing Authority at least 60 days before any of the following: A substantial change in services provided or population served; A planned change in staffing pattern; A planned change in the Administration; A planned change of ownership and/or governance; A planned change of location; A planned change in the name of the Residential Treatment Program.	NC	See Comments Below
117 A Residential Treatment Program shall notify the licensing authority as soon as the change is known, if any of the above-mentioned changes occur without prior planning.	C	
REPORTING		
118 A Residential Treatment Program shall report any suspected or alleged incident of child abuse or neglect within 24 hours, to the Department for Children and Families, Centralized Intake Unit. (33 V.S.A., Chapter 49, §4913).	NC	See Comments Below
119 A Residential Treatment Program will supervise and separate the accused individual(s) and the victim(s) whose behavior caused report to the Department for Children and Families unless or until otherwise instructed by the Special Investigation Unit and/or Residential Licensing Unit.	C	
120 A Residential Treatment Program shall report incidents of sexual activity between residents, as defined in these regulations, within 24 hours to the Department for Children and Families, Centralized Intake Unit; (800) 649-5285.	NC	See Comments Below
INVESTIGATIONS		
121 A Residential Treatment Program shall cooperate fully in investigations of any complaint or allegation associated with the program. This may include, but is not limited to the Department for Children and Families Special Investigations Unit, and the Licensing Authority.	C	
NOTIFICATION		
122 A Residential Treatment Program shall immediately, or as soon as reasonable, report to the Licensing Authority incidents that could potentially affect the safety, physical or emotional welfare of children/youth within the program. Written report shall follow verbal report within 24 hours.	NC	See Comments Below
123 Incidents of restraint which result in injury to a child/youth or staff member, requiring medical attention shall be reported in writing to the Licensing Authority as soon as possible, and not later than within 24 hours. (see regulation 657)	C	
124 Incidents of seclusion which result in injury to a child/youth or staff member, requiring medical attention shall be reported in writing to the Licensing Authority as soon as possible, and not later than within 24 hours. (See regulation 666).	C	
125 Residential Treatment Program shall report, verbally and in writing, within 24 hours to the Licensing Authority incidents where the program knowingly or negligently violates licensing regulations.	C	

COMMENTS:

RTP Regulation 116 is rated as noncompliance because RLSI was not notified when Nancy Richardson, Director of Residential Services was hired in June of 2018. RLSI first met Ms. Richardson as a result of an investigation commencement. She explained at that point that she was unaware of any regulations to be followed but was eager to learn and follow them. RLSI was made aware of an organizational change during a routine licensing visit. Sue Kessler, previous Director of Admissions, became the Assistant Executive Director in July 2019 to directly oversee all direct care and services to the students of Kurn Hattin. RLSI was also made aware of the expected changes in the Director of Residential Services position during a licensing debrief meeting.

RTP Regulations 118, 120, and 122 are all rated in noncompliance. Of the 17 child abuse and regulatory investigations during this licensing period, at least three were not reported within the required timeframe. For example, three incidents occurring in February 2019 and were not reported to licensing or Centralized Intake and Emergency Services (CIES) until April 2019. Staff interviews illuminated an instance in October 2019 where information was intentionally withheld from licensing regarding the division of Parent Cottage students into other cottages due to the inadequate staffing coverage. Multiple staff interviews have alleged that significant incidents within residential programming and timing had not been documented. At least two separate scenarios were noted. School-wide Information System (SWIS) began to hold all the Kurn Hattin School's incident reports as of 2015. There are multiple incidents reviewed within 10 student files on SWIS that should have been reported to RLSI but were not. These include incidents of sexual touching between students and other incidents that directly impact the health and safety of the students.

Most recently, licensing became aware of an intake where two siblings were placed at Kurn Hattin and the younger sibling alleged the older sibling raped her. These allegations were historical and did not occur at Kurn Hattin. However, these allegations and new investigation were not reported to licensing even though it clearly falls under RTP Regulation 120 and 122. During the licensing visit, RSLI reiterated that when disclosures are made, a call to CIES, the child's guardian, and licensing are three separate calls that all should be made consistently.

200 GENERAL PROVISIONS**THE RIGHTS OF CHILDREN/YOUTH AND FAMILIES**

201 A Residential Treatment Program shall ensure children/youth the following rights: to be served under humane conditions with respect for their dignity and privacy; to receive services that promotes their growth and development; to receive gender specific, culturally competent and linguistically appropriate service; to receive services in the least restrictive and most appropriate environment; to access written information about the providers policies and procedures that pertain to the care and supervision of children, including a description of behavior management practices; to be served with respect for confidentiality; to be involved, as appropriate to age, development and ability, in assessment and service planning; to be free from harm by caregivers or others, and from unnecessary or excessive use of restraint and seclusion/isolation; to file complaints and grievances without fear of retaliation.

NC

See Comments Below

202 A Residential Treatment Program shall ensure families and custodians the following rights: to access written information about the providers policies and procedures that pertain to the care and supervision of children, including a description of behavior management practices; to receive services with respect for confidentiality; to be involved in assessment and service planning; to give and to withhold informed consent; to be notified immediately or as soon as reasonable of any runaway, attempted suicide, suicide, or medical emergency requiring the services of an Emergency Room or hospitalization, death or any other seminal event in the life of their child/youth; to be notified within 24 hours following the restraint or seclusion of their child/youth; to file complaints and grievances without fear of retaliation.

C

203 A Residential Treatment Program shall document prohibitions and limitations regarding parental involvement in the child/youth's Plan of Care and review such prohibitions and limitations at least every 90 days.

C

COMMENTS:

RTP Regulation 201 was found in noncompliance as a result of child and staff interviews, policy reviews, and incident reports. Kurn Hattin provided 5 students to be interviewed during this routine licensing visit. This number is a small proportion compared to their census of approximately 70 - 74 students, but licensing has interviewed many students over the last two years during regulatory and child abuse investigations. The students in the interviews said they feel safe at Kurn Hattin but there is a lot of bullying and "mean peers" that "hurt them." One student was hesitant to say they feel safe and explained that "when people say they are going to kill themselves, it makes me worry a lot." Most students interviewed had issues with the dress code policy, saying it was too strict and unfair. There were further issues with the hair policy that dye and extensions have to be within the "natural" hair color spectrum. All students had the belief that males are "forced to get haircuts" unless their parents take them home on Sundays or they get permission not to. One

student said that it is “easier to cooperate [and get the haircut] because I don’t want to get in trouble.” RLSI reviewed the Community Handbook and there is a policy about haircuts, but it did not seem to be as strict as the children interpreted.

The majority of the students we spoke to said they like Kurn Hattin and the trips they take and the opportunity to earn things. However, many students said they “look forward to leaving Kurn Hattin” both on the weekends and at the end of the school year. The students described many sports and afterschool activities to participate in, though described having limited time to do homework if they participate in sports. The students had positive remarks about accessing and seeing their counselors once per week. Older students who talked about counseling in their schedules also demonstrated great insight about their anxiety levels, stress levels, and managing their anger. One student said that they “blackout when angry” but listed their house parent, counselor, and school staff as people they can talk to for help. The feedback about house parents varied depending on cottages. Some students expressed being afraid of their house parent and this information was reflected back to Kurn Hattin Administration.

Child interviews also gave the impression that “you have to go to church unless you go home on the weekends.” This was reiterated by house parent interviews. Kurn Hattin provides religious education classes for Protestant and Catholic faiths 2x/month. Their Community Handbook states they will make arrangements for other classes or services for students with other faiths.

As of June 2019, the Kurn Hattin Board of Trustees approved a policy titled, “Gender-fluid Residential Placement Policy.” The policy concludes, “It is the considered opinion at Kurn Hattin that the primary determining factor is the privacy and safety of our children, both individually and collectively. With this in mind, the policy to be followed is that gender-fluid children will be placed according to biological gender rather than by potential gender-identity.” This directly connects to the noncompliance rating for RTP Regulation 201 because there needs to be greater education on what the best practices are for serving LGBTQ youth. The phrase “birth gender” is not supported by current research. It can be interpreted that Kurn Hattin is referring to the sex of the child at birth. Best practices support children being placed in cottages and programming where they feel most comfortable and safe in their current gender expression and Kurn Hattin’s policy does not reflect that flexibility.

Staff interviews identified an alarming instance where two house parents of color were told by other staff members that Mr. Harrison said they could not be house parents together because you have to “spread the black around.” RLSI followed up with the house parents and Mr. Harrison and this potentially occurred at the start of the 2018 – 2019 school year. There are some discrepancies in the stories each party provided and there are details and dynamics to investigate that go beyond RLSI’s role. RLSI recommends the Board of Trustees complete the investigation given that the concerns involve Executive Director. The noncompliance rating takes into consideration interviews with staff members who explained an unsaid occurrence that children are placed in certain cottages based on their racial identity. RLSI could not reconcile or confirm the reports of segregating practices in the cottages since Kurn Hattin’s policy places children in cottages based on age and sex.

Kurn Hattin’s NEASC self-study surveying resulted in the findings, “...that 21 percent of the students strongly disagreed that they felt safe at Kurn Hattin.” The program appears committed to exploring and greater understanding what this percentage means. However, staff members were candid to explain that children say they don’t feel safe when they are escalated or they do not feel safe based on the actions of their peers.

The totality of the student interviews, staff interviews, review of internal policies and self-study survey results all contribute to the noncompliance rating for RTP Regulation 201. The gender-fluid residential placement policy and rate of bullying and peer-to-peer regulatory and child abuse investigations limits Kurn Hattin’s ability to provide “gender specific, culturally competent and linguistically appropriate service” and for students “to be free from harm and caregivers or others.” These issues within Kurn Hattin and the findings that 21 percent of students strongly disagree that they feel safe at the program inhibits the students from being “served under human conditions with respect for their dignity and privacy.”

300 THE GOVERNING AUTHORITY

301 A Residential Treatment Program shall be incorporated. If incorporated outside the State of Vermont, it shall secure authorization from the Secretary of State to do business in Vermont.	C	New England Kurn Hattin Homes is listed on the Secretary of State website with a Business ID of 0043694 in active status.
302 The Governing Authority is ultimately responsible for all aspects of the Residential Treatment Program.	C	
303 The Governing Authority shall make available to the Licensing Authority, upon written request, a list of directors and officers of the board.	C	
304 The Governing Authority shall: Review major operational decisions; Have	C	

provisions which preclude both the fact and appearance of conflict of interest; Specify the terms of appointment or election of members, officers, and chairperson(s) of committees; Specify the frequency of meetings and attendance requirements; Prohibit board members from being paid members of the staff.		
305 The Governing Authority of a Residential Treatment Program shall appoint a qualified administrator.	C	Steve Harrison, Executive Director
306 The Governing Authority is responsible for ensuring the writing of an annual evaluation of the Program Administrator, based on the job description which delineates the responsibilities and authority of the Program Administrator.	C	
307 The Governing Authority is responsible for assuring the Residential Treatment Program's continual compliance and conformity with the following: The program's stated goals and objectives; Relevant laws and/or regulations, whether federal, state, local or municipal, governing the operation of the Residential Treatment Program. This may include, but is not limited to Zoning; Department of Public Safety, Fire Prevention; Department of Health; Interstate and International Placement of Children; The Prison Rape Elimination Act of 2003.	C	
308 The Governing Authority shall ensure: Development and on-going review of program policies and procedures; Development and review of annual budgets to carry out the objectives of the Residential Treatment Program; Any fund raising, community activity, publicity or research involving children/youth is conducted in a manner which respects the dignity and rights of children, youth and their families and complies with all relevant state and federal laws regarding confidentiality.	C	
309 The Governing Authority shall require and review an annual report, written by the administrator of the program which evaluates the program in relation to the program description, with the goal of continuous quality improvement.	C	Kurn Hattin provided RLSI with their NEASC self-study report.
310 The annual assessment shall identify indicators that measure the program's ability to deliver the services described in the program description. These indicators may consider (but are not restricted to) the following: The number and circumstances of planned discharges; The number and circumstances of unplanned discharges; Consumer feedback; Provision of adequate supervision as evidenced by all reports of child abuse, sexual contact between children/youth; Grievances heard, resolved and unresolved; Personnel actions taken; Staff turnover; and Employee satisfaction surveys.	C	

COMMENTS:

Kurn Hattin is private, non-profit institution that has ongoing committees to update their community handbook, policies and procedures. This year has been particularly self-reflective for the agency since they are applying for the New England Association of Schools and Colleges (NEASC) accreditation. This process generated a thorough self-study of the agency as a whole. The self-study was provided to RLSI by Mr. Harrison and RLSI was able to attend one day of the NEASC on-site review. There are preliminary findings from the site visit but the accreditation status of Kurn Hattin is not known at this time.

400 PERSONNEL**GENERAL**

401 A Residential Treatment Program shall not hire, or continue to employ, any person whose health, behavior, actions or judgment might endanger the physical or emotional well-being of the children/youth served.	C*	See Comments Below
402 A Residential Treatment Program shall not hire, or continue to employ, any person substantiated for child abuse or neglect.	C	
403 There shall be a sufficient number of personnel qualified by education, training and experience with sufficient authority to adequately perform the following functions: Administrative; Financial; Supervisory; Clinical; Case Management; Direct child care; Housekeeping; Maintenance; Food service; Maintenance of records.	C	
404 A Residential Treatment Program shall have written job descriptions for all positions within the program, including lines of authority, which are accessible to all employees.	NC	See Comments Below
405 A Residential Treatment Program shall ensure that direct child care employees have regularly scheduled hours of work.	C	
406 A Residential Treatment Program shall establish policies governing employee conduct. These policies shall be designed to promote: Good role modeling; Adequate supervision of children/youth; The development of healthy relationships between adults, children/youth.	C	

QUALIFICATIONS

407 The credentials of the program administrator, directly responsible for the therapeutic milieu within the residential treatment program, regardless of job title will include at minimum: Master's degree in a relevant field <u>and</u> , Four years direct care, including supervisory experience in a residential treatment program or therapeutic setting for children and/or youth. <u>or</u> , Bachelor's degree in a relevant field <u>and</u> , Five years direct care, including two years supervisory experience in a residential treatment program or therapeutic setting for children and youth.	C	Steven Harrison, BA & Masters of Divinity
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<p>408 The credentials of those providing supervision of direct care staff, regardless of job title will include at minimum: Master's degree in a relevant field <u>and</u>, One year experience providing direct care in residential treatment programs for children/youth. <u>or</u>, Bachelor's degree <u>and</u>, Two years experience providing direct care in residential treatment programs for children/youth. <u>or</u>, High School Diploma or GED <u>and</u>, Four years experience working with children/youth in residential treatment programs.</p>	C	Sue Kessler, Assistant Executive Director, MS in Elementary Education; Nancy Richardson, Director of Residential Services, PhD in Germanic Studies
<p>409 The credentials of those providing direct care for children/youth, regardless of job title will include at minimum: Bachelor's degree <u>and</u>, 21 years of age <u>and</u>, Experience working with children/youth. <u>or</u>, High School Diploma or GED <u>and</u>, 21 years of age <u>and</u>, Two years experience interacting with children/youth. This may include, but is not restricted to camp counselor, coach, babysitting.</p>	C	
<p>410 Individuals providing clinical services for children/youth and families shall have experience working with children/youth and families shall meet current Vermont licensing and certification requirements and professional standards.</p>	C	Christine Reid, MSW, LICSW
HIRING		
<p>411 A Residential Treatment Program shall have written personnel policies and procedures for the hiring, orientation, training, supervision, evaluation, recognition, discipline and termination of employees.</p>	C	
<p>412 Residential Treatment Program shall conduct background checks, upon hire and every three years thereafter, on all employees, board member/trustees, volunteers, student interns, and others who may have unsupervised contact with children/youth in the program. Minimally, the background checks shall include the Vermont Criminal Information Center, Vermont Child Protection Registry and the Adult Abuse Registry.</p>	NC	See comments below.
<p>413 The results of background checks must be received and evaluated by the program administrator prior to the individual being hired and prior to having any unsupervised contact with children/youth. Documentation of completed background checks and administrative review must be maintained and available to licensing upon request.</p>	C	
EMPLOYEE ORIENTATION AND TRAINING		
<p>414 A Residential Treatment Program shall have written policies and procedures for the orientation of new staff to the program. This orientation must occur within the first 30 days of employment and include, but is not limited to: Program description and population served; A tour of the facility; Overall program treatment philosophy and approach; Program philosophy of behavior management; Child/youth grievance process; Basic information about behavior children/youth may exhibit; Identification of early warning signs that indicate child/youth may become disruptive or aggressive and how these observations are to be reported; Professionalism in dealing with children/youth, families, and others; Confidentiality; Program policies and procedure relating to interventions employed by staff to prevent, deescalate, safely manage child/youth acting out behaviors; Roles and expectation of various personnel in preventing and responding to crisis situations; Documentation requirements; Working as part of a team; Policies regarding zero-tolerance for sexual abuse; Procedures for reporting suspected incidents of child abuse and neglect; Policies and procedures regarding runaway children/youth Policies and procedures regarding the acquisition, storage, administration, documentation and disposal of medication; Emergency response procedures; Emergency evacuation procedures; Residential Treatment Program regulations.</p>	C	
<p>415 During orientation, each employee should be made aware of the plan for his or her particular on-going training and professional development. Plans should be developed between the employee and supervisor, and should be based on their roles and responsibilities in the program.</p>	C	
<p>416 Staff who may work with children/youth shall receive training in the prevention and use of restraint prior to participating in the use of restraint. Staff will be competent in (but not limited to) the following: Relationship building, group processes, restraint prevention, de-escalation methods, avoidance of power struggles, and threshold for use of restraint; The physiological effect of restraint, monitoring physical distress signs and obtaining medical assistance, and positional asphyxia; Legal issues and idiosyncratic conditions that may affect the way children/youth and staff may respond to restraint (e.g., cultural sensitivity, age, gender, developmental delays, history of trauma, symptoms related to substance abuse, health risks, etc.), and; Escape and evasion techniques, time limits, the process for obtaining approval for continued restraints, the procedure to address problematic restraints, documentation, debriefing with children/youth, follow-up with staff, and investigations of injuries and complaints.</p>	C	
<p>417 A Residential Treatment Program shall ensure supervisors and those who provide direct care receive on-going training and develop competencies relevant to the population served including (but not limited to): Relationship Building; Listening and communication; Family Engagement; Understanding and analyzing problem behaviors; Trauma informed practices; Positive behavior support; Designing and implementing routines; Setting clear limits; Praising and reinforcing behavior; Early detections of conflict situations; Interventions to minimize potential conflicts; Designing and implementing activity programs; Teaching social and anger management skills; Managing transitions; Managing personal boundaries; Harassment; Conflict resolution; First Aid and emergency medical procedures; Administration of medication and the documentation thereof.</p>	C	The house parent training has been enhanced to reflect the changes in the program and to provide more support to the staff and more tools for them to use when managing the children in their cottages.

418 A Residential Treatment Program shall ensure annual training for every employee responsible for direct child care effective de-escalation techniques, appropriate use of restraint, seclusion and expectations regarding the documentation of the use of restraint and seclusion.	C	
EVALUATION		
419 A Residential Treatment Program shall conduct, at minimum, an annual performance evaluation based on performance expectations in the context of each employee's job description and plan for on-going profession development.	NC	Performance evaluations for 2018 are mostly missing.
420 The evaluation will identify areas of competence and document targets for growth and development to be reviewed at established intervals.	C	
421 The evaluation will be signed by the employee and his/her immediate supervisor. There must be an opportunity for the employee to express his/her agreement or disagreement with the evaluation in writing. The employee shall be given a copy of his/her evaluation.	C	
PERSONNEL FILES		
422 A Residential Treatment Program shall maintain a personnel file for each employee containing: The application for employment and/or resume; Documentation of reference checks; Employee's starting and termination dates; Applicable professional credentials/certifications; A signed job description, acknowledging receipt; Employee's plan for on-going training and professional development; Documentation of training; All annual performance evaluations; Commendations and disciplinary actions relating to the individual's job performance.	NC	Personnel files were missing resumes and job descriptions. Some job descriptions were used as performance evaluations but forms were inconsistent. See additional comments below.
STAFF COMMUNICATIONS		
423 A Residential Treatment Program shall establish procedures to assure adequate communication and support among staff to provide safety, continuity and integration of services to the children/youth. This may include logs, shift notes, minutes of meetings, etc.	C*	See Comments Below
VOLUNTEER SERVICES AND STUDENT INTERNS		
424 A Residential Treatment Program may utilize volunteers and student interns to work directly with a particular child/youth or group of children/youth under the supervision of an employee of the program.	C	
425 Volunteers will not provide essential services which would otherwise be unavailable.	C	
426 A Residential Treatment Program shall ensure that the needs and learning experiences of volunteers and student interns do not interfere with the care of children/youth.	C	
427 Volunteers and interns are subject to the same background, character and reference checks as employees.	C	
428 Volunteers shall receive training relevant to the work they will be doing and issues of confidentiality.	C	
429 Student Interns shall receive training relevant to the work they will be doing, including (but not limited to) the training provided employees within the first 30 days of hire. See regulation 415	C	

COMMENTS:

RTP Regulation 401 was rated as Compliance with Reservations because of the concerns identified in the personnel file reviews, staff interviews, and child interviews. In documentation of personnel actions, at least four house parents were noted demonstrating concerning judgement and other staff had questioned their ability to appropriately manage student behavior and incidents that have occurred. The concerns of specific house parents were reiterated across Kurn Hattin departments. Performance evaluations of the house parents in question and review of documentation known to RLSI outlined a pattern of concerning behavior with children going back to at least 2015. The supervisor of one house parent shared that the house parent is "on our radar, but she's very strong." It is difficult to reconcile a house parent that is on the administration's radar for inappropriate behavior but still is considered a strong house parent. Another personnel concern demonstrated substantial negligence and the possible fraudulent documentation for administering medication. The totality of the personnel concerns was debriefed with Kurn Hattin leadership who provided additional contextual information and attested to further investigation into the matters.

The personnel files were generally in good order but content was inconsistent. RTP Regulations 404, 419, and 422 are rated as noncompliance because files were missing resumes and job descriptions and some performance evaluations (mostly from 2018). Some of the documented performance evaluations used a form titled Job Descriptions to evaluate staff performance but actual job descriptions were not always found in the file. There were also many medication errors documented in individual personnel files. This practice of documenting individual child medical information in personnel files will need to be reviewed.

RTP Regulation 412 is rated as noncompliance because of the 18 background checks reviewed only 6 had current and completed fingerprint-supported background checks. Out-of-state child abuse registry checks were not checked for any

employee in order to be in compliance with FFPSA. The NEASC self-study noted, "It regularly takes 30-45 days to receive fingerprinting results from the Sheriff's Department, which means that employees sometimes begin working before their background check is complete, but most problems are discovered via the on-line VCIC system before the employee begins work." This lends RLSI to infer that staff are potentially alone with children before their full background check results are received. RLSI spoke with the Director of Human Resources, Martha Ruffle, to begin a process of obtaining information from current and prospective employees of any state they have lived in within the last 5 years. It was shared with RLSI that HR received directive from the Executive Director not to follow the background check changes of FFPSA. Yet, in a meeting to start this licensing visit iteration, Mr. Harrison said he had not received notification about the background check requirement changes.

The House Parents have recently received a substantial raise in their compensation and an enhanced introductory training process as explained by Assistant Executive Director, Sue Kessler. This is aimed at retaining high quality staff and recruiting better candidates for the house parent role. All staff interviewed presented an overwhelming concern about the leadership and supervision house parents are receiving which lends a rating of compliance with reservations for RTP Regulation 423. Most staff connected a lower census at the Kurn Hattin to the "staffing issue" and "house parent situation." House parents were excited about the additional training offerings by the Counseling Department and raved about the increase in compensation. When asked about the supervision they receive 1:1, the majority responded that they have to ask for 1:1 time. When RLSI met with house parents in mid-November, one said they had 1:1 supervision with their supervisor three times since the school year started.

500 TREATMENT AND CASE MANAGEMENT SERVICES

PROGRAM DESCRIPTION

501 A Residential Treatment Program shall have a written program description, accessible to prospective residents, parents, custodians, placing agencies and the general public upon request.	C	
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502 The program description shall include: Description of the population served; Criteria for admission; Exclusionary criteria; Description of the milieu; Description of the treatment modalities; Description of the clinical services provided; Description of the educational services provided.	C*	See Comments Below
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CASE RECORDS

503 A Residential Treatment Program shall have written policies and procedures for protection of the confidentiality of all children/youth's records.	C	
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504 A Residential Treatment Program shall maintain record(s) for each child/youth. The content and format of these records shall be uniform within the program and minimally include: The name of the child/youth; Gender; Date of birth; Date of Admission; Legal custody and custodianship status; Informed consent signed by the parent(s) and custodian to provide emergency medical treatment and for the administration of medication; Contact information for the parent(s), caretakers; Documented acknowledgement from the child/youth, parent(s) and custodian that they have been informed of the program's policies and procedures regarding the use of restraint and seclusion; Informed consent signed by parent(s) and custodian regarding the policies and procedures guiding the use of restraint and seclusion that may occur while the child/youth is in the program; De-escalation intervention plan; Referral and Intake information; Treatment/clinical records; Education records; Cumulative medical records including date and results of last physical and dental examinations; Plan of Care, amendments and reviews; Incident Reports; Discharge Plan; Date of Discharge; and Contact information of the person or program to which the child/youth was discharged.	C*	See Comments Below
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505 When information is in the possession of another person or agency and unavailable to the program, the program shall document attempts to acquire that information.	C	
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506 A Residential Treatment Program shall establish policies and procedures regarding the retention, storage and disposal of records.	C	
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REFERRAL/ADMISSION PROCESS

507 A Residential Treatment Program shall accept a child/youth into care only when a current intake evaluation has been completed. The evaluation shall include information and assessments regarding the family, the child/youth's developmental, social, behavioral, psychological, and medical histories, allergies and any special needs.	C	
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508 A Residential Treatment Program shall accept and serve only those children/youth whose needs can be met by the services provided by the program.	NC	See Comments Below
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509 A Residential Treatment Program shall have written referral and admission policies and procedures.	C	
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510 A Residential Treatment Program shall ensure that the child/youth, his/her parent(s) and custodian are provided reasonable opportunity to participate in the admission process and decisions, and that due consideration is given to any questions/concerns.	C	
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511 A Residential Treatment Program shall provide children, youth, families and	C	
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custodians upon placement a clear and simple written statement that includes: The procedure used to report complaints or grievances, including timelines and accessible reporting formats; Assurance that the complaint may be submitted to someone other than the individual named in the complaint; Assurance that retaliation will not be tolerated; An opportunity for the child, youth, family member, custodian or staff member to present his or her version of events and to present witnesses; A process for informing the complainant of the results; A process for appeal; Contact information for the licensing authority; and Contact information for the State-designated protection and advocacy system.		
512 A Residential Treatment Program shall ensure that upon placement, each child/youth is asked if he/she has any physical complaints and is checked for obvious signs of illness, fever, rashes, bruises and injury. The results of this interview shall be documented and kept in the child/youth's record.	C	
513 Depending on the age, gender and needs of the child/youth an inventory and/or search of a child/youth's belongings as part of the admission process activity will be conducted by a same gender staff person as the child/youth being admitted and in the child/youth's presence.	C	
514 A Residential Treatment Program shall obtain the written informed consent of a child or youth, their parent(s) and custodian before the child or youth is photographed and/or recorded for research and/or program publicity purposes.	C	
515 A Residential Treatment Program shall assign a staff member to orient the child/youth and his/her parent(s) and custodian, to life at the program; including a verbal review of emergency evacuation procedures, the child/youth's rights and program expectations.	C	
516 A Residential Treatment Program shall make available to each child/youth, parent(s), and custodian, a simply written list of rules and expectations governing children/youth's behavior.	C	
517 The program will inform the child/youth, parent(s) and custodian of the policies and procedures regarding the use of restraint and seclusion. While this orientation will include the following content, the mode of delivery is dependent on the population served. Explanation of de-escalation techniques staff members may employ to defuse the situation in an attempt to avoid the use of restraint or seclusion; Description of situations and criteria for the use of restraint or seclusion; Who is authorized to approve and initiate the use of restraint or seclusion; A description of the restraint techniques authorized for use; A viewing of rooms used for seclusion; The protocol for the monitoring of the child/youth's health and well-being during the restraint, including time frames; The protocol for supervision and monitoring of the child/youth's health and well-being while secluded, including time frames; The decision-making process used by staff for the discontinuation of the use of restraint or seclusion; The internal grievance procedure to report inappropriate use restraint or seclusion; and Contact information for the Licensing Authority.	C	
518 A Residential Treatment Program will obtain written acknowledgement from the child/youth, parent(s) and custodian that they have been informed of the program's policies and procedures regarding the use of restraint and seclusion.	C	
519 A Residential Treatment Program that uses restraint or seclusion shall offer the child/youth, parent(s) and custodian the opportunity to provide information about the child/youth that may help prevent the use of restraint and seclusion.	C	
520 A Residential Treatment Program shall gather and assess the following information to develop an individualized de-escalation plan for each child/youth to avoid the use of restraint and seclusion. The child/youth's history of violence; The child/youth's history of suicidal ideation or attempts; Events that may trigger aggressive or suicidal behavior; Techniques to regain control, self regulate, self-sooth that have been successful in the past; Preexisting medical conditions or physical disabilities that place the child/youth at increased risk of harm, and History of trauma that places the child/youth at increased risk of psychological harm if he/she is restrained or secluded.	NC	See Comments Below
PLAN OF CARE		
521 A Residential Treatment Program shall develop a Plan of Care based on the review of the referral information and input from the referral source, the child/youth, parent(s) and custodian within seven days.	C	Student Support Plans are generated within the appropriate timeframes.
522 The Plan of Care shall include: Reason for Admission, Preliminary Goals and Objectives; Services/Interventions to be provided, by whom, and frequency; How progress will be measured; Family contact and level of involvement; Mental Health status; Physical Health status; Social Skills; Family relationships; Recreation/Activities/Interests; Education; Activities of daily living/Independent living skills; De-escalation Intervention Plan; Plan for discharge; Aftercare planning.	NC	See Comments Below
523 Plans of Care shall be signed by the administrator of the program (or designee).	C	
524 A Residential Treatment Program shall demonstrate child/youth, parental and custodial participate in the development of the Plan of Care.	C	
525 A Residential Treatment Program shall review and revise the Plan of Care at least once every 90 days and shall evaluate the degree to which the goals have been achieved, identify successful interventions, progress toward discharge planning and recommendations.	C	

526 A Residential Treatment Program shall ensure that the Plan of Care and subsequent revisions are explained to the child/youth, his/her parent(s) and custodian in language understandable to everyone.	C	
527 The current Plan of Care shall be available upon request at the time of discharge.	C	

COMMENTS:

RLSI focused on the admissions process and child file reviews due to the ongoing practice that Kurn Hattin is admitting students that need a higher level of treatment than what is provided at the program. The admissions committee has a representative from nursing, residential, school, counseling, and admissions. Student file reviews indicated that not all admission recommendations from student interviews are followed. For example, a recommendation of the Director of Counseling to not admit a 6-year-old with significant attachment issues was overturned by the former Director of Admissions and the child was admitted. One student had 28 incidents within 9 months of admission. The incidents included defiance, assault of another student, assault of a staff, and self-harm statements. The admission packet had two reviewers recommending no admission and that the student would “not be a good fit with a 1:10 ratio” but she was still admitted.

RTP Regulation 504 is found in compliance with reservation because gaps were identified in the main children files reviewed. Topical information is housed in different locations on campus, for example, medical information remains with the nursing department, educational information is kept with the school and incident reports remain online. Student Support Plans (SSPs) are routinely updated within the 90-day requirement. However, RTP Regulations 520 and 522 are noted in noncompliance because all SSPs list that de-escalation plans are not needed. In March 2018, Executive Director, Steve Harrison stated de-escalation plans are not needed and he saw “...no need to waste my staff’s time writing unnecessary individualized plans...” Additionally, discharge information is repetitive and every student’s is the same and places responsibility on the parent to plan accordingly.

A document dated September 2018 titled, “Reasons for Student Placements” of the student census, 72 were listed as having a “challenging home environment,” 29 students had “mentally or physically ill parent or relative,” and 20 students had “substance abuse at home.” In the New England Kurn Hattin Homes for Children 2018 – 2019 Program Description’s Criteria for Admission states, “ability to interact positively with peers and function well in a residential setting with no overnight awake supervision...Children with demonstrated significant anti-social behaviors (fire-starting, running away, etc.) or educational needs outside of the scope of our academic program generally are not admitted.” There are multiple examples where children were exhibiting behaviors that are “outside the scope” of the program but were admitted and relates to RTP Regulation 508 noncompliance finding.

Significant child file review examples are detailed here to outline the noncompliances in this section. Of the child files reviewed, diagnoses listed were ADHD, ODD, CD, MPDD, depression, and anxiety and were prescribed psychotropic medications. Some challenging behaviors listed in admissions packets described anger issues, externalizing problems, runaway tendencies, suicidal ideations, rule-breaking, and a history of school suspensions for touching other kids. The children and families reported histories of sexual abuse, physical abuse, and witnessing domestic violence. Multiple students have placement histories at Howard Center’s Jarrett House and the Brattleboro Retreat psychiatric inpatient unit. One student file reviewed demonstrated a psychiatric hospitalization in April and the child was admitted in June. This information along with that listed above lends a rating of in compliance with reservations to RTP Regulation 502, because the program is not adhering to its own program descriptions.

The new Director of Counseling, Christine Reid, holds a small caseload of clients since counselor, Kathy Allen, retired and the administration decided not to fill that position. This further highlights the incongruence between the ongoing recommendations by RLSI to balance the treatment and service criteria for children admitted with that of the treatment and services Kurn Hattin is providing. Staff are saying that they cannot adequately meet the needs of students, children are saying they do not feel safe, the profile to the child files reviewed are of children with complex trauma and substantial mental health needs. Kurn Hattin acknowledges the imbalance of accepting youth whose needs they cannot meet in the *Enrollment* section of the self-study stating, “In the effort to help as many children as we possibly can, sometimes children are enrolled who require a great deal of individual attention. This can take time away and resources away from other students.”

600 RESIDENTIAL LIFE

SUPERVISION		
601 A Residential Treatment Program shall provide adequate supervision appropriate to the treatment and developmental needs of children/youth.	NC	
602 A Residential Treatment Program shall ensure that each child/youth has ready access to a responsible staff member throughout the night.	C	

603 A Residential Treatment Program shall provide adequate overnight supervision consistent with the needs of the children/youth.	NC	
FAMILY INVOLVEMENT		
604 A Residential Treatment Program shall make every possible effort to facilitate opportunities for children/youth to communicate with parent(s), siblings, and custodian to foster permanent relationships with family, in accordance with the Plan of Care.	C	
605 Alternative visiting hours shall be provided for families who are unable to visit at the prescribed times, consistent with the Plan of Care.	C	
606 A Residential Treatment Program shall not use family contact as an incentive to elicit desired behavior; likewise family contact shall not be withheld as a consequence for misbehavior.	C	
607 A Residential Treatment Program shall have written procedures for overnight visits outside the program which includes; The child/youth's location; Length of stay; Plan for transportation; Plan for conveying medication; Discussion of medication regime; Recommendations for supervision; Name, address and contact information for person responsible for the child/youth while they are away from the program; Relationship to the person responsible for the child/youth; Plan for the unforeseen return of the child/youth, and Documentation of above activities.	C	
608 A Residential Treatment Program shall not place a child/youth in a foster home unless the Residential Treatment Program is also a licensed Child Placing Agency.	C	
EDUCATION		
609 A Residential Treatment Program shall ensure that every child/youth is provided an appropriate educational program in accordance with state law and approved by the Vermont Department of Education.	C	Kurn Hattin is an approved, independent school through the Agency of Education (AOE).
DAILY ROUTINE		
610 A Residential Treatment Program shall follow a written daily routine, including weekends and vacations.	C	
611 Daily routines shall not conflict with the implementation of a child/youth's Plan of Care.	C	
COMMUNICATION AND PRIVACY		
612 A Residential Treatment Program shall permit children/youth to send and receive mail, make telephone calls and e-mail, consistent with the Plan of Care.	C	
613 Program staff shall read a child/youth's mail and e-mail or listen in on telephone conversations only with the child/youth's full knowledge and understanding of the reasons for this action, consistent with the Plan of Care.	C	
614 A Residential Treatment Program shall not bar contact between a child/youth and their parent(s), custodian, attorney, <i>guardian ad litem</i> , clergy and State-designated protection and advocacy system.	C	
615 When the right of a child/youth to communicate in any manner with any person outside the program must be curtailed, or monitored a residential program shall: Document the decision, including who was involved in the decision-making process, reasons for limitations of his/her right to communicate with the specified individual(s); Inform the child/youth of the decision making process; Review this decision minimally at each review of the Plan of Care.	C	
MONEY/FINES		
616 A Residential Treatment Program shall permit children/youth to access his/her own money consistent with his/her Plan of Care.	C	
617 Fines shall not be levied except in accordance with a written Program Description which includes a description of how revenues from fines are used for the benefit of the children/youth residing in the program.	C	
CHORES		
618 The Residential Treatment Program may assign chores that provide for the development of life skills and not used as punishment.	C	
619 Children/youth participation in chores shall not be a substitute for housekeeping and maintenance staff.	C	
RELIGION		
620 A Residential Treatment Program with religious affiliation(s) or expectations for participation shall include such information in the program description.	C	
621 A Residential Treatment Program shall make every effort to accommodate a child/youth's desire to attend and/or participate in religious activities and services in accordance with his/her own faith.	C	
PERSONAL BELONGINGS		
622 A Residential Treatment Program shall ensure that children/youth have his/her own adequate, clean, and appropriate clothing.	C	
623 A Residential Treatment Program shall allow children/youth to bring his/her personal belongings to the program e.g. comfort items, memorabilia.	C	
624 Limitations on the quantity of personal items shall be discussed during the referral/admission process.	C	
625 Provisions shall be made for the protection of children/youth's personal property.	C	

626 Any search of a child/youth's personal belongings for contraband deemed necessary for the safety of the child/youth or others within the program will be conducted in the presence of the child/youth, by same gender staff as the child/youth unless contraindicated and documented.	C	
PERSONAL CARE AND HYGIENE		
627 A Residential Treatment Program shall ensure children/youth receive guidance in healthy personal care and hygiene habits.	C	
FOOD SERVICES		
628 A Residential Treatment Program shall ensure that a child/youth are provided at least three nutritional meals, available daily at regular times.	C	
629 There shall be no more than 14 hours between the evening meal and breakfast, unless nutritional snacks are offered during the evening.	C	
630 No child/youth in a Residential Treatment Program shall be denied a meal for any reason, except by a documented doctor's order.	C	
631 No child/youth shall be required to eat anything they do not want to eat, nor there be consequences for food preferences.		
632 Special dietary needs shall be discussed during the referral/intake process and the Residential Treatment Program shall make healthy accommodations for children/youth with special dietary needs.	C	
MEDICAL CARE		
633 A Residential Treatment Program shall ensure a routine physical examination by a medical practitioner for each child/youth within 30 days of admission unless the child/youth received such an examination within 12 months prior to admission.	C	
634 A Residential Treatment Program shall have written procedures for staff members to follow in case of medical emergencies, including the administration of first aid.	C	
635 A Residential Treatment Program must ensure that children/youth receive timely, competent routine and emergency medical care when they are ill or injured and that they continue to receive necessary follow-up medical care with parent(s) and custodians' consent.	C	
636 A Residential Treatment Program shall maintain a cumulative record of medical care. This record shall include: The name of the resident; The reason for the visit; Name and contact information for the provider; Results of examination, tests and recommendations; Medication(s) prescribed; The time and date the medication is administered.	C	
DENTAL CARE		
637 A Residential Treatment Program shall make reasonable effort to ensure each child/youth has had a dental examination by a dentist within 30 days of the child/youth's admission unless the child/youth has been examined within 6 months prior to admission and the program.	C	
638 Residential Treatment Program shall make reasonable effort to ensure children/youth receive timely, competent routine and emergency dental care and that they continue to receive necessary follow-up dental care.	C	
ADMINISTRATION OF MEDICATION		
639 A Residential Treatment Program shall have written policies and procedures governing the use and administration of medication to children/youth.	C	
640 Policies and procedures governing the use and administration of medication shall be disseminated to all staff responsible for prescribing and administering medication.	C	
641 These policies shall specify who can administer medication, under what circumstances and procedures for documenting the administration of medication.	C	
642 A Residential Treatment Program shall ascertain all medication a child/youth is taking when coming into care and obtain parental and custodial consent for the administration of medication and any changes in medication(s).	C	
643 Medication will be administered as prescribed by a licensed practitioner.	C	
644 Medication errors shall be documented on an incident report.	C*	Medication errors are currently being held in personnel files.
PETS		
645 A Residential Treatment Program shall have written policies and procedures address the presence and supervision of pets in the program.	C	Policies are outlined in the staff handbook.
646 A Residential Treatment Program will ensure that the presence of any pet does not have an adverse effect on any child/youth residing in the program, for example allergies or fear.	C	
647 A Residential Treatment Program will maintain a separate record on each pet that includes: Identifying information; Owner(s) contact information; Record of vaccinations; Record of registration; Statement of good health from a Veterinarian; Veterinarian's contact information and; Incidents involving the pet, for example if the pet is abused by a child/youth, or if the pet bites a child/youth or staff member.	C	
BEHAVIOR MANAGEMENT		
648 A Residential Treatment Program shall prohibit all cruel, severe, unusual or unnecessary practices including, but not limited to: Strip searches; Body cavity	C	

searches; Restraints that impede a child/youth's ability to breathe or communicate; Chemical restraint; Mechanical restraint; Pain inducement to obtain compliance; Hyperextension of joints; Peer restraints; Locked buildings, rooms, closets, boxes, recreation areas or other structures from which a child/youth can not readily exit; Discipline or punishment which is intended to frighten or humiliate a child/youth; Requiring or forcing a child/youth to take an uncomfortable position, such as squatting or bending, or requiring or forcing the child/youth to repeat physical movements; Spanking, hitting, shaking, or otherwise engaging in aggressive physical contact (horseplay) with a child/youth; Physical exercises such as running laps or performing push-ups; Excessive denial of on-grounds program services or denial of any essential program services; Depriving a child/youth of meals, water, rest, or opportunity for toileting; Denial of shelter, clothing, or bedding; Withholding of personal interaction, emotional response or stimulation; Exclusion of the child/youth from entry to the residence; Any act defined as abuse or neglect by 33 V.S.A., Chapter 28, §4912.		
649 A Residential Treatment Program shall ensure that behavior management is not delegated to persons who are not known to the child/youth.	C	
PHYSICAL RESTRAINT		
650 A Residential Treatment Program shall not use any form of restraint without prior approval of the Licensing Authority.	C	Kurn Hattin uses CPI though restraints are very rare in the program.
651 Restraint shall be used only to ensure that immediate safety of the child/youth or others when no less restrictive intervention has been, or is likely to be, effective in averting danger. Restraint shall be used only as a last resort.	C	
652 Any restraint lasting more than 10 minutes requires supervisory consultation, approval and oversight.	C	
653 Any restraint lasting more than 30 minutes requires clinical/administrative consultation, approval and oversight.	C	
654 Restraint shall never be used for coercion, retaliation, humiliation, as a threat of punishment or a form of discipline, in lieu of adequate staffing, for staff convenience, or for property damage not involving imminent danger.	C	
655 A Residential Treatment Program shall develop and implement written policies and procedure that govern the circumstances in which restraint is used. These policies and procedures shall contain and address the following: The threshold for initiating restraint; Forms of restraint that are permitted; Staff members authorized and qualified to order or apply restraint; Procedures for monitoring the child/youth placed in restraint for signs of discomfort and medical issues; Time limitations on the use of restraint; The immediate and continuous review of the decision to restrain; Documentation of the use of restraint; Record keeping of incidents of restraint; Debriefing with the child/youth; Debriefing with all witnesses; Debriefing staff; Notification of parent(s) and custodian; and Administrative review of all restraints.	C	
656 Incidents of restraint shall be reported to the parent(s) and the person legally responsible for the child/youth as soon as possible, and not later than 24 hours.	C	
657 Incidents of restraint which result in injury to a child/youth or staff member, requiring medical attention shall be reported in writing to the Licensing Authority as soon as possible, and not later than 24 hours.	C	
SECLUSION		
658 A Residential Treatment Program shall not use any form of seclusion without prior approval of the Licensing Authority.	N/A	Kurn Hattin does not use seclusion.
659 Seclusion shall be used only to ensure that immediate safety of the child/youth or others when no less restrictive intervention has been, or is likely to be, effective in averting danger.	N/A	
660 Children/youth in seclusion will be provided constant, uninterrupted supervision by qualified staff, employed by the program and familiar to the child/youth.	N/A	
661 Seclusion lasting more than 10 minutes requires supervisory approval and oversight.	N/A	
662 Seclusion lasting more than 30 minutes requires clinical/administrative consultation, approval and oversight.	N/A	
663 Seclusion shall never be use for coercion, retaliation, humiliation, as a threat of punishment or a form of discipline, in lieu of adequate staffing, or for staff convenience.	N/A	
664 A Residential Treatment Program shall develop and implement a written policies and procedures that govern the circumstances in which seclusion is used. These policies and procedures shall contain and address the following: Circumstances under which seclusion may be used; Staff members authorized to approve the use of seclusion; Procedures for monitoring children/youth in seclusion; Time limitations on the use of seclusion; The immediate and continuous review of the decision to use seclusion; Documentation of the use of seclusion; Record keeping of incidents of seclusion; Debriefing with the child/youth; Debriefing with all witnesses; Debriefing staff; Notification of parent(s) and custodian; and Administrative review of all restraints and follow up actions taken.	N/A	
665 Incidents of seclusion shall be reported to the parent(s) and person legally responsible for the child/youth as soon as possible, and not later than within 24 hours.	N/A	
666 Incidents of seclusion which result in injury to a child/youth or staff member,	N/A	

requiring medical attention shall be reported in writing to the Licensing Authority as soon as possible, and not later than within 24 hours.		
DOCUMENTATION		
667 Each incident of restraint and seclusion shall be documented separately by staff members directly involved in the intervention as soon as possible, not later than 24 hours.	C	
668 This incident report written by the staff members shall include: Name, age, height, weight, gender and race of the child/youth; Date, beginning and ending time of occurrence; A description of what happened; including what activity the child/youth was engaged in prior to the escalation, the precipitating events; Description of de-escalation and less intrusive methods of intervention used and reasons for their use; Supervisory, clinical and/or administrative notification and approval; Staff involved, including full names, titles, relationship to the child/youth and if a restraint, date of most recent formal de-escalation and restraint training; Witnesses to the precipitating incident and subsequent restraint or seclusion; Preventative actions that may be taken in the future; Name of person making the report; Detailed description of any injury to the child/youth; Detailed description of any injury to staff members; Any action taken by the program as a result of any injury.	C	
669 Incident Reports shall be reviewed and signed by the supervisor/administrator within 8 hours. Documentation of the administrative review must include follow up actions which may include: Debriefing with child/youth; Debriefing with witnesses; Debriefing with staff; Medical needs; Identified need for additional training; or Personnel action (if warranted).	C	
RESTRAINT AND SECLUSION MONITORING		
670 A Residential Treatment Program will establish documentation and monitoring systems, enabling all incidents of restraint and seclusion to receive administrative review. The data and management systems will have the potential to monitor staff, individual, and critical programmatic involvement in incidents. The program shall track the following: Shift; Location; Day of the week; Time of day/night Incident antecedents; Length child/youth was held in restraint or seclusion; Type of restraint or seclusion; Age; Gender; Ethnicity; Number of incidents per child/youth; Staff members involved; Child/youth injuries requiring medical attention; and Staff injuries requiring medical attention.	C	

COMMENTS:

RTP Regulation 601 is rated in noncompliance based on child and staff interviews, results from regulatory and child abuse investigations, and reviews of incident reports. It is clear that there is inadequate supervision in the cottages. One house parent cannot meet the needs of all the students residing in their cottages. This remains true even with the cottages running below their census capacity. Historically, Kurn Hattin has been licensed for 108 students with a total of 9 cottages. It is important to note that equals a staff to child ratio of 1:12 in the cottages. Yet, probably did not occur at this rate since the census at Kurn Hattin has been lower the last few years.

In reviewing SWIS incident reports, children in crisis were left alone so a single house parent could manage other students in the cottage as back up staffing from the residential office returned. This was also shown in another incident where a student was showing so much aggression the house parent could not leave them alone, but the other 8 residents were alone in the living quarters. For another incident, and possibly most egregiously, one student was asked to watch another student in crisis while the house parent went to get the Director on Duty. This same incident report noted that the entire cottage is "effected by the trauma" of the crisis. This contributes to RTP Regulation 603 being rated in noncompliance because many of the incidents reviewed in SWIS have children sharing beds with other children, switching bedrooms, etc. There is not adequate overnight supervision to meet the needs of the children either. Kurn Hattin's self-study had two important quotes regarding supervision. "The residential staffing structure and the under resourced situation that has resulted from it over time does not adequately meet the needs of the children" and "The resources in terms of staff available on campus to respond to the needs of the students during the after school, evening, and weekend hours are not adequate."

Inadequate supervision is also an issue of concern shared by staff given recent reported events of Parent Cottage students being split among other cottages because coverage could not be found. They struggled with wanting to provide accurate information with keeping their job and ensuring that Kurn Hattin programming can continue. With that said, all house parents agreed that a staff to child ratio of 1:11 is too vast. Some waived and wanted to say it is manageable but eventually landed on that it was too much. It was interesting to hear house parents independently reach a ratio of 1:7 as the "sweet spot" where you can "reach each individual kid's needs a lot better." Veteran house parents noted that the "kids are different now; they're more difficult" and explained there is "much less family involvement" than there has been in the past. Additionally, there are currently 9 day students that program in the cottages until dinner time approximately. This adds to the supervision issue needing to be reconciled.

There are two new residential office staff members who are assisting with residential coverage and planning. They will

be able to provide back up to the house parents and work on scheduling, pick up and drop off of students, etc. The Residential Department is still implementing the After School Activity Block which began last year. This was an identified vulnerable time when additional staffing was needed. The counseling department has a positive relationship with the school staff. There are ongoing efforts to incorporate more of the school PBiS model and counseling screening tools into residential time. The counseling department has changed their schedules so a counselor is available until 7pm and on-call coverage is rotated. These changes were just made as the licensing visit commenced so the effectiveness of this switch is not known at this time.

As confirmed by the Agency of Education, Kurn Hattin is an approved independent school and the approval is in "good standing." There are exciting developments in the educational program and school at Kurn Hattin. They are implementing a new restorative justice model and continue to implement their PBiS model which can be applied to behavioral management in the cottages. Kurn Hattin is also part of a project to upgrade and remodel their library.

RTP Regulation 644 and 667 are rated as in compliance with reservations because of the current reporting system. Incident reporting needs to be streamlined so incidents occurring during school and residential hours are reported consistently and kept in the same location and make it to the child's file. RLSI was able to review the SWIS data which will need additional items and information gathered in order to keep aligned with RTP Regulations. The names of staff present, not just that of the reporting staff member, needs to be listed. It would be helpful to include the follow-up actions taken by staff and what the resolution to the incident was.

700 PHYSICAL ENVIRONMENT AND SAFETY

GENERAL

GENERAL		
701 A Residential Treatment Program, including all structures and property shall be constructed, furnished, equipped, used and maintained so that the privacy, safety, health and physical comfort of all children/youth are ensured and in compliance with federal, state, local and municipal regulations.	C	
702 A Residential Treatment Program shall pass and maintain documentation of an annual inspection of all buildings utilized by the program by an independent, qualified fire safety inspector.	C	State of Vermont, Department of Public Safety, Division of Fire Safety, Annual Inspection expires July 2020.
703 A Residential Treatment Program shall have a designated space to allow private discussions and counseling sessions between individual children/youth and their family members, visitors and staff.	C	
704 First Aid supplies shall be accessible in each living unit of a Residential Treatment Program.	C	
705 A Residential Treatment Program shall keep medication, cleaning supplies and other potentially harmful materials securely locked. Keys to such storage spaces shall be available only to authorized employees.	C	
706 A Residential Treatment Program shall ensure that there are sufficient and appropriate storage facilities.	C	
707 Each separate living unit within a Residential Treatment Program shall have 24-hour telephone service.	C	
708 A Residential Treatment Program shall not permit any firearm or chemical weapon on the property, including program and employee vehicles.	C	
709 A Residential Treatment Program shall ensure that children/youth are not exposed to second hand smoke in the facility, on the property or in program vehicles used to transport children/youth.	C	
710 Facility and staff vehicles shall be locked while on the property.	C	
711 A responsible adult will provide continuous and uninterrupted supervision when children/youth are swimming or otherwise engaged in water sports/activities.	C	
712 On-ground pools shall be enclosed and regularly tested to ensure that the pool is free of contamination.	C	
713 A Residential Treatment Program shall have written procedures for employees and children/youth to follow in case of emergency or disaster.	C	
714 A Residential Treatment Program shall conduct actual or simulated evacuation drills at least monthly and varied by shift. A record of such emergency drills shall be maintained including the date and time of the drill and whether evacuation was actual or simulated. All personnel in the building shall participate in emergency drills. The Residential Treatment Program shall make and document special provisions for the evacuation of any developmentally or physically disabled children/youth from the program.	C	
715 A Residential Treatment Program shall ensure that children/youth are properly secured and adequately supervised in any vehicle used by the program to transport children/youth.	C	
716 A Residential Treatment Program shall maintain, update and share with parent(s), custodians and the Licensing Authority the contact information of a specific individual to contact in the event of the emergency evacuation of children/youth.	C	
SLEEPING AREAS		

717 A Residential Treatment Program shall ensure that all sleeping areas used by children/youth are of sufficient size to allow for a bed and to afford space for dressing and quiet activities.	C	
718 No child/youth's bedroom shall be stripped of its contents and used for seclusion.	C	
719 A Residential Treatment Program shall ensure that no room without a window shall be used as a bedroom.	C	
720 A Residential Treatment Program shall not permit more than four children/youth to occupy a designated sleeping area or bedroom space.	C	
721 A Residential Treatment Program will assign roommates taking into account gender, age, developmental and treatment needs.	C*	See comments below
722 Each child/youth residing in a Residential Treatment Program shall have his/her own bed.	C	
723 A Residential Treatment Program shall ensure that there is sufficient space between a mattress and another mattress (bunk bed) or ceiling for each occupant to sit up comfortably in bed.	C	
724 A Residential Treatment Program shall provide each child/youth with his/her own dresser or other adequate storage space in his/her bedroom unless there is a documented safety concern.	C	
725 The use of open flames shall not be allowed in sleeping areas of a Residential Treatment Program.	C	
TOILET, SHOWER AND BATHING FACILITIES		
726 A Residential Treatment Program shall have available to children/youth a minimum of one wash basin with hot and cold water, one flush toilet and one bath or shower with hot and cold water for every six children/youth.	C	
727 A Residential Treatment Program shall provide toilets and baths or showers which allow for individual privacy unless a child/youth requires assistance.	C	
728 A Residential Treatment Program shall have bathrooms with doors which can be opened from both sides.	C	
729 A Residential Treatment Program serving a co-ed population shall ensure private toileting, shower and bathing facilities.	C	
KITCHEN/DINING AREA		
730 A Residential Treatment Program shall have a sufficiently well-equipped kitchen to prepare meals for the children, youth and employees.	C	
731 A Residential Treatment Program shall be arranged and equipped so children, youth and employees can have their meals together.	C	
LIVING ROOM		
732 A Residential Treatment Program shall have a living room/common area where children/youth may gather for reading, study, relaxation, conversation and entertainment.	C	
SECLUSION ROOMS		
733 A Residential Treatment Program shall ensure all rooms used for seclusion meet all applicable state and local fire and safety codes.	N/A	
734 A Residential Treatment Program shall ensure all rooms used for seclusion are safe, clean, and well-maintained.	N/A	
735 A Residential Treatment Program shall ensure all rooms used for seclusion have adequate light, ventilation and maintain an appropriate room temperature.	N/A	
736 A Residential Treatment Program shall ensure all rooms used for seclusion are designed for continuous supervision.	N/A	
EMPLOYEE SPACE		
737 A Residential Treatment Program utilizing live-in employees shall provide adequate and separate living space for these employees.	C	
738 A Residential Treatment Program shall provide office spaced which is distinct from children/youth's living areas.	C	

COMMENTS:

Kurn Hattin is a 280-acre campus with a residential school, cottages, and residences for employees who live on campus of apple orchards, hay fields and horse barns. They have gardens and grow a lot of their own food which is boasted by the administration who say Kurn Hattin started a farm-to-table food program before it was popular. The campus sits alongside a hill with the school situated up top with a view of New Hampshire and the Connecticut River Valley. Most of the cottages for girls are on the lower side of the campus, for which you have to cross a quiet, but paved road to access.

There are two cameras per cottage which are positioned in doorways and hallways. There are no cameras positioned to view bedrooms or bathrooms. Alarms are positioned on the bedroom doors in the cottages too. Cottages have single, double, triple and quad bedrooms. Rooms that accommodate four children are large and spacious. Each cottage has monthly fire drills performed at different times.

COMMENTS:

RTP Regulations 401, 423, 502, 504, 644, and 721 were rated as in compliance with reservations.

RTP Regulations 116, 118, 120, 122, 201, 404, 412, 419, 422, 508, 520, 522, 601, 603 were rated in noncompliance.

In conversations with your executive leadership, we understand you have an interest in closing your Residential Treatment Program (RTP) license with the Department for Children and Families (DCF) and instead operate a residential education program for children.

Based on the most recent licensing review of Kurn Hattin, we concur that your program does not meet the Licensing Regulations for Residential Treatment Programs. As such, DCF is willing to close your RTP license as of July 15, 2020 with affirmation in writing of completion of the following steps prior to closure:

- Kurn Hattin will remove any citation or reference of being licensed by the State of Vermont from the current website and in any future agency literature. This will include the removal of any programmatic advertising language that is treatment-related or would cause another state or community entity to believe you are a licensed residential treatment program.
- Kurn Hattin will notify primary referral sources in Vermont and out-of-state entities that Kurn Hattin is no longer a licensed RTP and RLSI will be cc'd on those notifications.
- Kurn Hattin will remind its staff members of their legal obligation to report incidents of suspected child abuse and neglect as mandated reporters in Vermont.
- Kurn Hattin will only accept children and youth whose social, emotional, behavioral, and educational needs can be met within your residential education program.

The alternatives to license closure by meeting the requirements above would be for RLSI to pursue the license revocation process or for your facility to remain licensed as an RTP and engage in a remediation plan that addresses RTP Regulations not in compliance and in compliance with reservation within six months of issuance of this letter. Should you choose to remain licensed, RLSI would be available to assist you in meeting regulatory compliance and would conduct a site visit to verify compliance at the end of the six months.



Lauren Higbee, MSW
Residential Licensing & Special Investigations

Approved by:



Jennifer Benedict, MA, Director
Residential Licensing & Special Investigations