

ENROLLED SENATE
BILL NO. 308

BY: WILLIAMS (Penny) of the
SENATE

and

HUDSON of the HOUSE

AN ACT RELATING TO CHILDREN; AMENDING SECTIONS 3, 4, 5, 6 AND 7, CHAPTER 317, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTIONS 601.42, 601.43, 601.44, 601.45 AND 601.46), WHICH RELATE TO THE ACT FOR COORDINATION OF SPECIAL SERVICES TO CHILDREN AND YOUTH; CLARIFYING LANGUAGE; PROVIDING CERTAIN ADDITIONAL DEFINITION; CHANGING CERTAIN DEFINITION; STATING FURTHER PURPOSE OF CERTAIN ACT; INCREASING SIZE OF CERTAIN COUNCIL AND PROVIDING FOR APPOINTMENT OF ADDITIONAL MEMBERS; DELETING CERTAIN APPOINTMENT OF ADDITIONAL MEMBERS; DELETING CERTAIN APPOINTMENT RESTRICTION; CHANGING CERTAIN DATES OF COMPLIANCE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.42), is amended to read as follows:

Section 601.42 As used in the Act for Coordination of Special Services to Children and Youth, Section 601.41 et seq. of this title:

1. "Committee" means the Joint Legislative Committee for Review of Special Services to Children and Youth;

2. "Commission" means the Commission on Children and Youth;

3. "Coordinating Council" means the Interagency Coordinating Council for Special Services to Children and Youth appointed pursuant to Section ~~6~~ 601.45 of this ~~act~~ title;

4. "Eligible population" means children and youth three (3) to twenty-one (21) years of age who are identified as eligible for related services pursuant to an IEP;

5. "IEP" means an Individualized Education Program developed in accordance with the Education of All Handicapped Children Act of 1975, P.L. No. 94-142, as amended;

6. "Local education agency" means a dependent, independent, or area school district or other entity so defined by the Code of Federal Regulations, 34 C.F.R. Section 300.8;

7. "Related services" means services so defined by 34 C.F.R. Section 300.13; ~~and~~

8. "Special services population" means children and youth who are not part of the eligible population as defined herein but who are being served by or are eligible to be served by a school district pursuant to subsection B, C, D, E, F, or G of Section 1-113 of Title 70 of the Oklahoma Statutes or subsection D, E, or F of Section 18-110 of Title 70 of the Oklahoma Statutes; and

§ 9. "State Plan" means the State Plan for Special Education Related Services and Special Student Service Coordination and Assistance developed pursuant to Section 601.46 of this act title.

SECTION 2. AMENDATORY Section 4, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.43), is amended to read as follows:

Section 601.43 A. It is the purpose of the Act for Coordination of Special Services to Children and Youth to provide for related services to the eligible population through a system of services that:

1. Is comprehensive, coordinated, multi-disciplinary and interagency and that, in accordance with the funding plan requirements in Section 7 601.46 of this ~~act~~ title, will reduce the direct costs to educational agencies for the provision of related services to the eligible population;

2. Is delivered cooperatively by local education agencies, the State Department of Education, the State Department of Vocational and Technical Education, the Department of Human Services, the State Department of Health, the Department of Mental Health and Substance Abuse Services and other appropriate public agencies and private agencies supported in whole or in part with public funds;

3. Will fulfill the requirements of the state and federal laws pertaining to the eligible population; and

4. Enhances the capacity of families to meet the needs of their children who are members of the eligible population.

B. It is the further purpose of the Act for Coordination of Special Services to Children and Youth to provide for the determination of responsibilities for timely delivery of educational services to the special services population and for the costs of said service delivery.

C. Nothing in this act shall be construed as relieving the public schools, the State Department of Education, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the Department of Human Services or other publicly funded agencies or officers or employees thereof of their respective responsibilities to the eligible population or the special services population.

SECTION 3. AMENDATORY Section 5, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.44), is amended to read as follows:

Section 601.44 A. There is hereby created the Joint Legislative Committee for Review of Special Services to Children and Youth, which shall:

1. Meet with the Coordinating Council, and with other state officials and employees responsible for the implementation of Section 601.41 et seq. of this act title at regular intervals as established by the committee and whenever otherwise necessary to ensure that the purposes of Section 601.41 et seq. of this act title are accomplished promptly and thoroughly;

2. Recommend changes in proposed interagency agreements and the State Plan as deemed advisable;

3. Review said interagency agreements and State Plan and review subsequent revisions of said agreements and State Plan;

4. Hold hearings regarding any matters related to Section 601.41 et seq. of this act title;

5. Monitor the implementation of Section 601.41 et seq. of this act title; and

6. Recommend legislation to correct statutory provisions that interfere with interagency agreements or coordination or delivery of services or that is otherwise necessary for the implementation of

Section 601.41 et seq. of this act title, giving particular attention to Sections 1-113, 13-101 et seq. and 13-114.1 et seq. of Title 70 of the Oklahoma Statutes and to court orders, consent decrees, and policies of state and local agencies which affect the placement of children and youth of the eligible and special services populations.

B. The Joint Legislative Committee for Review of Special Services to Children and Youth shall have ~~seven (7)~~ eleven (11) members who shall be legislators and who shall serve at the pleasure of the appointing authority. ~~Three~~ Five members shall be appointed by the President Pro Tempore of the Senate and ~~three~~ five members shall be appointed by the Speaker of the House of Representatives. The ~~seventh~~ eleventh member, who shall be appointed by the President Pro Tempore for odd-numbered biennia of the Oklahoma Legislature and by the Speaker for even-numbered biennia, shall chair the Committee. No quorum shall be required for a meeting, but no motion shall have effect unless at least ~~two~~ three members appointed by the President Pro Tempore and ~~two~~ three members appointed by the Speaker are present and cast affirmative votes for such motion. Staff support services required by the Committee shall be provided by the Legislative Service Bureau and, as requested by the Committee, the Commission.

SECTION 4. AMENDATORY Section 6, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.45), is amended to read as follows:

Section 601.45 A. The Governor shall appoint an Interagency Coordinating Council for Special Services to Children and Youth which shall be composed of ~~fifteen (15)~~ eighteen (18) members as follows:

1. One superintendent of an independent school district;
2. One principal of alternative education programs;
3. One special education director employed by a public school;
- ~~3.~~ 4. One special education teacher employed by a public school;
- ~~4.~~ 5. Five parents of children who are or have been members of the eligible population or the special services population;
- ~~5.~~ 6. The chief executive officers or their designees of the:
 - a. Commission on Children and Youth,
 - b. State Department of Education,
 - c. State Department of Vocational and Technical Education,
 - d. Department of Human Services,
 - e. Department of Mental Health and Substance Abuse Services, and
 - f. State Department of Health;

7. Two persons who represent organizations of private providers of services to the eligible or special services populations; and

~~6.~~ 8. The Governor or the Governor's designee, who shall chair the Coordinating Council ~~until such time as said governor and a subsequent governor agree upon a chairman, who may be either of the governors or any other person the two governors agree upon.~~ Legal assistance shall be provided by the Office of the Attorney General. Other staff support and assistance shall be provided by the Commission on Children and Youth.

B. The Coordinating Council shall:

1. On or before ~~July 1, 1991~~ November 1, 1991, complete the State Plan pursuant to the provisions of Section ~~7~~ 601.46 of this ~~act~~ title;

2. Prior to completion of the State Plan and approval of it by the Committee, make progress reports to the Committee at least once each quarter regarding development of the State Plan; and

3. After approval of the State Plan, meet with the Committee concerning revisions whenever requested to do so.

SECTION 5. AMENDATORY Section 7, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.46), is amended to read as follows:

Section 601.46 A. The State Plan for Special Education ~~Related Services and Special Student Service~~ Coordination and Assistance shall include but not necessarily be limited to:

1. Delineation of service responsibilities and coordination of delivery of services to the eligible population and the special services population by the agencies subject to the provisions of this act;

2. Guidelines for assigning responsibilities to appropriate agencies pursuant to IEP's, and means whereby appropriate agency personnel are involved in the development of IEP's which call for related services;

3. Establishment of service regions, and delineation of organizational structures or other means whereby coordination required by Section 601.41 et seq. of this act title will be accomplished at the local and regional level;

4. Establishment for each region of a Regional Advisory Board comprised of school personnel, other agency personnel, and parents, and description of duties for said boards;

5. Procedures for monitoring and improving such service delivery on a continuing basis;

6. Methods for resolving disputes by mediation and other means; and

7. A funding and implementation plan which shall provide for the utilization of all financial resources from federal, state, local and private resources and the coordination of those resources to fund related services. The funding and implementation plan shall include but not be limited to:

- a. utilization of Special Education Assistance Fund monies pursuant to Section 13-114.1 et seq. of Title 70 of the Oklahoma Statutes and of State Aid funds to public schools provided pursuant to Section 18-200 et seq. of Title 70 of the Oklahoma Statutes for special education services to handicapped children,
- b. publicly funded personnel and programs in the State Department of Education, the State Department of Vocational and Technical Education, the State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population,
- c. feasibility of utilization of federal Title V funds,
- d. modification of the Medicaid State Plan to include services for eligible children utilizing state funds for the purpose of matching federal funds, and methods of securing services and reimbursements through other third-party sources, and
- e. feasibility of application for federal funds appropriated pursuant to Chapter 1 of the Education Consolidation and Improvement Act of 1981, P.L. 89-313, as amended.

B. On or before ~~September 1, 1991~~ November 1, 1991, the agencies subject to the provisions of this act shall enter into interagency agreements for the purpose of implementing the State Plan and the provisions of Section 601.41 et seq. of this act title. Said state and local interagency agreements shall delineate

responsibility for local and regional procedural safeguards, provision of service and related issues.

C. On or before ~~September~~ November 1, 1991, and each September 1 thereafter, a joint funding plan shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by the agencies subject to the provisions of this act. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes.

D. The legal requirements for timely payment and reimbursement for services under contract pursuant to Sections 41.4a through 41.4d of Title 62 of the Oklahoma Statutes shall govern the services, programs and activities for the implementation of Section 601.41 et seq. of this act title.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 14th day of May, 1991.

President of the Senate

Passed the House of Representatives the 29th day of May, 1991.

Speaker of the House of Representatives