

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1411

BY: HUDSON

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING SECTIONS 2, 3, 4, 5, 6 AND 7, CHAPTER 317, O.S.L. 1990 (10 O.S. SUPP. 1990, SECTIONS 601.41, 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; AMENDING SHORT TITLE OF ACT; MODIFYING DEFINITIONS TO INCLUDE ALL CHILDREN; MODIFYING PURPOSE OF ACT; PROVIDING THAT MEMBER OF INTERAGENCY COORDINATING COUNCIL FOR SERVICES TO CHILDREN AND YOUTH INCLUDE CERTAIN SCHOOL SUPERINTENDENT; MODIFYING REQUIREMENTS OF STATE PLAN; REQUIRING REGIONAL BOARDS TO INCLUDE BUSINESS AND COMMUNITY LEADERS AND PRIVATE SERVICE PROVIDERS; PROVIDING THAT STATE PLAN FUNDING COMPONENT INCLUDE CERTAIN MONIES APPROPRIATED FOR COMPETITIVE GRANTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 2, Chapter 317, O.S.L. 1990 (10 O.S. Supp. 1990, Section 601.41), is amended to read as follows:

Section 601.41 Sections ~~2~~ 601.42 through ~~7~~ 601.46 of this ~~act~~ title shall be known and may be cited as the "Act for Coordination of ~~Special~~ Services to Children and Youth."

SECTION 2. 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:

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 all children and youth three (3) to twenty-one (21) years of age including children 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. "Services" means and includes, but is not limited to, counseling services, employment services, social work services, health and medical services, and such other comprehensive services as may assist a child in achieving the maximum benefit from the public education provided to the child; and

9. "State Plan" means the State Plan for ~~Special~~ Education Related Services Coordination and Assistance developed pursuant to ~~this act~~ the Act for Coordination of Services to Children and Youth.

SECTION 3. 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 certain services, including related services to the eligible population through a system of services that:

1. Is comprehensive, coordinated, multi-disciplinary and interagency and seeks to meet the needs of a child as a member of a family, and to treat the family as a member of a community so that a family unit, rather than a group of individuals is served, and, in accordance with the funding plan requirements in Section 7 601.46 of this ~~act~~ title, will reduce the direct costs to educational and other agencies for the provision of services, including related services;

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 or organizations ~~supported in whole or in part with public funds;~~

3. Will fulfill, at a minimum, 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. Nothing in ~~this act~~ the Act for Coordination of Services to Children and Youth 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 statutory and constitutional responsibilities to the eligible population.

SECTION 4. 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 this act at regular intervals as established by the committee and whenever otherwise necessary to ensure that the purposes of this act 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 this act;
5. Monitor the implementation of this act; 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 this act.

B. The Joint Legislative Committee for Review of ~~Special~~ Services to Children and Youth shall have seven (7) members who shall be legislators and who shall serve at the pleasure of the appointing authority. Three members shall be appointed by the President Pro Tempore of the Senate and three members shall be appointed by the Speaker of the House of Representatives. The

seventh 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 members appointed by the President Pro Tempore and two 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 5. 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 within thirty (30) days after the effective date of this act, an Interagency Coordinating Council for ~~Special~~ Services to Children and Youth which shall be composed of fifteen (15) members as follows:

1. One superintendent or a designee of the superintendent of an independent a school district which is currently providing services to children in the district;

2. One ~~special education director employed by a public school teacher employed by a school district which is currently providing services to children in the district;~~

3. One special education teacher employed by a public school;

4. ~~Five~~ Four parents of children who are or have been members of the eligible population;

5. 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; ~~and,~~
- g. Oklahoma State Chamber of Commerce; and

6. 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 Oklahoma Commission on Children and Youth.

B. The Coordinating Council shall:

- 1. On or before ~~July~~ October 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 6. 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 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 by the agencies subject to the provisions of this act;
- 2. Guidelines for assigning responsibilities to appropriate agencies pursuant to ~~IEP's~~ a child's IEP, and means whereby appropriate agency personnel are involved in the development of IEP's which call for services or related services;

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

4. Establishment for each region of a Regional Advisory Board comprised of school personnel, other agency personnel, business and community leaders, private service providers and parents of eligible children, and a 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 services or 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 and of monies appropriated to the State Board of Education for competitive grants for programs developed pursuant to the Act for Coordination of Services to Children and Youth,
- 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; and
- f. state funds appropriated for the purpose of At-Risk grants, pursuant to Section 1210.561 of Title 70 of the Oklahoma Statutes and for pilot projects for coordinated services to families of recipients of Aid to Families with Dependent Children, pursuant to Section 1210.552 of Title 70 of the Oklahoma Statutes.

B. On or before ~~September~~ January 1, 1991 ~~1992~~, 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 this act. Said state and local interagency agreements shall delineate responsibility for ~~local~~ community and regional procedural safeguards, provision of service and related issues.

C. On or before ~~September~~ January 1, 1991 ~~1992~~, and each ~~September~~ January 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 this act.

SECTION 7. 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.

43-1-5712

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