ENGROSSED SENATE
BILL NO. 416

By: Williams (Penny) of the Senate

and

Voskuhl of the House

An Act relating to children and schools; amending 10 O.S. 1991, Section 601.43, as amended by Section 1, Chapter 377, O.S.L. 1994, and Sections 601.45 and 601.46, as last amended by Sections 3 and 4, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, Sections 601.43, 601.45 and 601.46), which relate to the Act for Coordination of Special Services to Children and Youth; adding Oklahoma Health Care Authority to certain act; modifying certain membership; deleting obsolete language; modifying certain dates; amending 70 O.S. 1991, Section 13-124, as last amended by Section 14, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1994, Section 13-124), which relates to programs receiving state and federal funds; clarifying language; modifying certain dates; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 601.43, as amended by Section 1, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, 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, Section 601.41 et seq. of this title, 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 601.46 of this 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, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, and other appropriate public agencies and private agencies supported in whole or in part with public funds;

3. Fulfills 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, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, or other publicly funded agencies or officers or

employees thereof of their respective responsibilities to the eligible population or the special services population.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 601.45, as last amended by Section 3, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, 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 twenty (20) 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;

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

5. Five parents of children who are or have been members of the eligible population or the special services population;

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,

f. State Department of Health, ~~and~~

g. State Department of Rehabilitation Services<u>, and</u>

<u>h. Oklahoma Health Care Authority</u>;

7. The Administrator of Juvenile Justice for the Office of Juvenile Justice of the Department of Human Services;

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

9. The Governor or the Governor's designee, who shall chair the Coordinating Council. 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, 1993, complete the State Plan pursuant to the provisions of Section 601.46 of this 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, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1994, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 601.46, as last amended by Section 4, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, Section 601.46), is amended to read as follows:

Section 601.46 A. The State Plan for Special Education 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 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, the Department of Mental Health and Substance Abuse Services, and the State Department of Rehabilitation Services who are currently serving the eligible population,

c. feasibility of utilization of federal Title V funds, <u>and</u>

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~~

~~c. 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 July 1, 1994, 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 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~~ October 1 of each year, 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 title.

SECTION 4. AMENDATORY 70 O.S. 1991, Section 13-124, as last amended by Section 14, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 1994, Section 13-124), is amended to read as follows:

Section 13-124. A. The State Department of Education is hereby designated as the lead agency for general administration,

supervision and monitoring of programs and activities receiving federal funds under Part H of the Individuals with Disabilities Education Act (IDEA) and state funds appropriated for early intervention services. To ensure compliance with Part H of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the State Department of Education is authorized to monitor and enforce any obligations imposed on agencies participating under Part H of the IDEA.

B. In accordance with Part H of the Individuals with Disabilities Education Act (IDEA), the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the ~~Oklahoma~~ State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act, Sections 13-121 through 13-129 of this title, shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of Part H of the Individuals with Disabilities Education Act (IDEA) and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely

fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of the Individuals with Disabilities Education Act (IDEA), all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the ~~Oklahoma~~ State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1~~, 1989, and on or before September 1 each year thereafter~~. 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. Such plan shall include, but not be limited to:

1. Utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services and related services to children with disabilities;

2. Publicly funded personnel and programs in the State Department of Education, the ~~Oklahoma~~ 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;

3. Feasibility of utilization of federal Title V funds;

4. Utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement

early intervention services in accordance with the State of Oklahoma's implementation of Part H of the Individuals with Disabilities Education Act (IDEA);

5. Amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;

6. Feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and

7. Utilization of funds received under Part H of the Individuals with Disabilities Education Act (IDEA).

E. The State Department of Education, the ~~Oklahoma~~ State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section 13-124.1 of this title to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

G. For purposes of implementing the provisions of the Oklahoma Early Intervention Act, the board of education of any school district in this state may execute an agreement with a city/county health department or county health department to share appropriate facilities.

SECTION 5. This act shall become effective July 1, 1995.

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 28th day of February, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives