

ENROLLED HOUSE
BILL NO. 1865

By: Seikel, Boyd (Laura),
Blackburn and Voskuhl of
the House

and

Monson, Robinson, Long
(Ed) and Williams
(Penny) of the Senate

An Act relating to children; creating the Early Identification and Service Support for Children and Families Act; providing for short title; directing certain state agencies to design and implement certain system for identifying certain children and their families for certain purposes; directing the establishment of certain home visiting program to certain persons for certain purposes; designating certain lead agency for certain purposes; directing certain meeting and reports for certain purposes; making certain requirements and conditions; amending 10 O.S. 1991, Sections 601.42 and 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, Section 601.44), which relate to the Joint Legislative Committee for Review of Special Services to Children and Youth; modifying definition; changing the name of the Committee; modifying duties and responsibilities; amending 63 O.S. 1991, Sections 1-543, 1-544 and 1-545, which relate to procedures and reports related to the screening of infants for hearing impairments; requiring certain early identification procedures; requiring the reporting, referral and publication of the results of early identification procedures in certain manner; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.70 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Early Identification and Service Support for Children and Families Act".

B. The State Department of Health, the Oklahoma Health Care Authority, the Oklahoma Commission on Children and Youth, the Department of Human Services, the State Department of Rehabilitation Services, the State Department of Education, the Department of Mental Health and Substance Abuse Services, the Office of Juvenile Affairs, the Oklahoma Indian Affairs Commission, and other appropriate public and private agencies shall:

1. Jointly design and implement a system for:

- a. the early identification of children and their families, including, but not limited to, identification at or prior to the birth of a child, who may require or benefit from services available through the state, whether such services are administered directly by the state, a governmental subdivision of the state, or by contract with a private agency or organization, and
- b. a program of home visitation to such children and their families for the purpose of offering information, outreach, referral and follow-up to appropriate service resources, case-management or other necessary and appropriate services and assistance; and

2. Meet regularly with the Joint Legislative Committee for Review of Coordination of Services to Children and Youth, as directed by the Committee, and submit to the Committee progress reports, plans, interagency agreements and other information as appropriate or directed by the Committee.

C. The design and implementation of the service system required pursuant to the Early Identification and Service Support for Children and Families Act shall be based upon coordination of existing health, education, and social support programs and services and utilization of collaborative funding mechanisms.

D. The State Department of Health shall be the lead agency for completing the design and implementation of the system required by this section and shall be responsible for convening meetings, and providing meeting space and administrative, staff, and other necessary support services. The agencies listed in subsection B of this section shall be responsible for providing information and staff and other assistance as necessary to implement the provisions of the Early Identification and Service Support for Children and Families Act.

E. Except as otherwise required by law with regard to child abuse and neglect, the consent of the parent or legal guardian of a child identified pursuant to the Early Identification and Service Support for Children and Families Act shall be required for the provision of services delivered pursuant to the provisions of this section.

SECTION 2. AMENDATORY 10 O.S. 1991, 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~~ Coordination of 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 601.45 of this 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;

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 and Special Student Service Coordination and Assistance developed pursuant to Section 601.46 of this title.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1994, 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 Coordination of Services to Children and Youth, which shall review, monitor and make recommendations regarding the implementation of:

~~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 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 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 title;~~

~~5. Monitor the implementation of Section 601.41 et seq. of this 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 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~~

1. The Act for the Coordination of Special Services to Children and Youth; and

2. The Early Identification and Service Support for Children and Families Act;

3. The Family-Centered and Community Designed Services Act.

B. The Committee shall, with regard to the acts listed in subsection A of this section:

1. Meet with the entities responsible for the planning and implementation of the acts at regular intervals as established by the Committee and whenever otherwise necessary to ensure that the purposes of the acts are accomplished promptly and thoroughly;

2. Review interagency agreements, plans, system or program designs and other similar documents or reports related to the coordinated planning and implementation of the acts, and subsequent revisions to such documents or reports, and recommend changes to them as necessary or advisable;

3. Hold hearings regarding any matters related to the acts as necessary or advisable; and

4. Recommend legislation to revise statutory provisions that relate to interagency agreements or coordination or delivery of

services pursuant to the acts, or that is otherwise necessary for the implementation of the acts. With regard to the Act for the Coordination of Special Services to Children and Youth, the Committee shall give particular attention to Section 1-113, Sections 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. C.~~ The Joint Legislative Committee for Review of ~~Special Coordination of Services to Children and Youth~~ shall have fourteen (14) members who shall be legislators and who shall serve at the pleasure of the appointing authority. Seven members shall be appointed by the President Pro Tempore of the Senate and seven members shall be appointed by the Speaker of the House of Representatives. The chair shall be appointed by the President Pro Tempore for odd-numbered calendar years from among the legislators appointed by the President Pro Tempore and by the Speaker for even-numbered calendar years from among the legislators appointed by the Speaker. The vice-chair shall be appointed by the Speaker for odd-numbered calendar years from among the legislators appointed by the Speaker and by the President Pro Tempore on even-numbered calendar years from among the legislators appointed by the President Pro Tempore. No quorum shall be required for a meeting, but no motion shall have effect unless at least four members appointed by the President Pro Tempore and four 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 Oklahoma Commission on Children and Youth.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-543, is amended to read as follows:

Section 1-543. A screening procedure for the detection of hearing impairments and for the early identification of children and their families who require or will benefit from health or social support services offered or provided through a program of home visitation pursuant to the Early Identification and Service Support for Children and Families Act shall be required for all infants. Such screening procedures shall be administered by a physician, audiologist, registered nurse or other qualified person. The State Board of Health shall develop procedures and guidelines for the administration of screening procedures ~~for the detection of hearing impairments pursuant to this section.~~

SECTION 5. AMENDATORY 63 O.S. 1991, Section 1-544, is amended to read as follows:

Section 1-544. A. The results of the screening procedures, conducted pursuant to Section ~~4~~ 1-543 of this ~~act~~ title, shall be reported to the State Department of Health in accordance with procedures adopted by the State Board of Health.

B. The results of the screening procedures for the early identification of children and their families who may require health or other services shall be referred to the appropriate agency or organization in accordance with the system designed and implemented pursuant to the Early Identification and Service Support for Children and Families Act.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 1-545, is amended to read as follows:

Section 1-545. A. The State Commissioner of Health shall compile and publish annually the results of the infant screening procedures using the information reported to the Department. The Commissioner may authorize the release of information concerning

children who are found to have hearing impairments to the appropriate agencies and departments so that such children may receive the necessary care and education.

B. The results of the screening procedures for the early identification of children and their families who may require health or other services shall be compiled and published at least annually in accordance with the system designed and implemented pursuant to the Early Identification and Service Support for Children and Families Act.

SECTION 7. This act shall become effective November 1, 1995.

Passed the House of Representatives the 17th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 17th day of May, 1995.

President of the Senate