STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2231 By: Voskuhl

AS INTRODUCED

An Act relating to children; creating the Family Centered and Community Designed Services Act; providing for short title; stating legislative findings and intent; directing certain state agencies and entities to design and implement certain service delivery system for certain purposes and in certain manner; providing for contents of certain service delivery systems and designs; providing for design; directing the Oklahoma Commission on Children and Youth to provide certain meeting space and support services for certain purpose; directing the Commission to make certain reviews, monitor certain implementation and submit certain reports to certain persons; requiring the approval of the Commission for certain proposed designs for certain service delivery system; providing for design and operational requirements for implementing certain system; directing service delivery on a voluntary basis; providing for certain exceptions; incorporating plans and accepting information from certain services; amending 10 O.S. 1991, Sections 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995, and 601.8, as amended by Section 187,

Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Sections 601.7 and 601.8), which relate to the Oklahoma Planning and Coordinating Council for Services to Children and Youth; modifying the membership of the Oklahoma Planning and Coordinating Council for Services to Children and Youth; 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. 1995, Section 601.44), which relate to the Joint Legislative Committee for Review of Special Services to Children and Youth; modifying definitions; changing the name of the Committee; modifying powers and duties of the Committee; 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 601.71 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Sections 1 through 3 of this act shall be known and may be cited as the "Family Centered and Community Designed Services Act".

B. The Oklahoma State Legislature finds that the most frequently identified problems experienced by families seeking to access services or receiving services for their children are:

1. Difficulty in identifying appropriate service providers;

2. Having to complete multiple applications and procedures, most of which require substantially similar information, when services are provided by more than one agency;

3. Confusing series of referrals from one service provider to another;

4. Confusing, and occasionally contradictory, duplications in the delivery of services when services are received through more than one agency or service provider;

5. The delivery of services based upon those services that are available rather than the delivery of services based upon the needs of the child or family; and

6. Limitations imposed by categorical funding methods that preclude or inhibit the use of the flexible or integrated funding strategies which would allow fiscal support for the delivery of services specifically coordinated to meet the specific needs of a child or family.

C. It is therefore the intent of the Legislature that a system for the local community design and delivery of services to individual children and their families shall be established and implemented as provided by the Family Centered and Community Designed Services Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.72 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The following agencies shall jointly implement the system for the local community design and delivery of services to children and their families as provided by the Family Centered and Community Designed Services Act:

1. The Oklahoma Commission on Children and Youth;

2. The Department of Human Services;

3. The State Department of Health;

4. The Department of Rehabilitation Services;

5. The State Department of Education;

6. The Department of Mental Health and Substance Abuse Services;

7. The Oklahoma Health Care Authority;

8. The Department of Corrections;

9. The Office of Juvenile Affairs; and

10. The Oklahoma Indian Affairs Commission.

B. The services delivered through the Family Centered and Community Designed Services Act may include but shall not be limited to: literacy, family support and preservation, child care, peer support, job skills education, employment, health education, health care, parenting, home visitation, respite care, child development, housing and transportation.

C. The Oklahoma Commission on Children and Youth, which includes the directors or their designees of the state agencies primarily responsible for the delivery of services to children and their families and representatives of statewide organizations whose members provide services to children and families, shall:

1. Review and approve the designs and implementation plans and strategies prepared by the Oklahoma Planning and Coordinating Council for Services to Children and Youth for the service delivery system required by the Family Centered and Community Designed Services Act;

2. Monitor the implementation of the design;

3. Provide meeting space and support services as necessary to facilitate the design and implementation of the service delivery system required by the Family Centered and Community Designed Services Act; and

4. Submit regular periodic reports, not less than annually, regarding progress towards implementation of the Family Centered and Community Designed Services Act to the Governor, the President Pro Tempore of the State Senate, the Speaker of the Oklahoma House of Representatives, and the chairpersons of the appropriate legislative committees.

D. Representatives of the Commission and the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall meet regularly with the Joint Legislative Committee for Review of Coordination of Services to Children and Youth, as directed by the Committee, and shall submit to the Committee progress reports, plans, interagency agreements and other information related to the design and implementation of the service system required by the Family Centered and Community Designed Services Act as appropriate or as directed by the Committee.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.73 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Planning and Coordinating Council for Services to Children and Youth, with the assistance of the regional and district planning and coordination boards for services to children and youth, shall:

1. Design a system for the coordinated referral and delivery of services to children and their families at the local community level;

2. Prepare a plan for the implementation of the system by the agencies required to implement the Family Centered and Community Designed Services Act; and

3. Submit the design for the system and the implementation plan to the Commission on Children and Youth for its review and approval.

B. The design for the service system required by the Family Centered and Community Designed Services Act shall:

1. Address the problems identified in subsection B of Section 1 of this act;

2. Establish a process for the local planning and implementation of the Family Centered and Community Designed Services Act that:

a. enables local communities to be responsible and accountable for the design of the service system and for service delivery within their communities,

b. includes, but is not limited to, interagency collaboration and family involvement in service management and delivery at the community level, and

c. encourages public and private partnership in the local delivery of services to children and their families;

3. Be based upon the coordination of existing state and local programs and services and the utilization of collaborative funding mechanisms; and

4. Focus, at least initially, on:

a. services to children and their families having multiple needs,

b. the early identification of children and their families who are at risk,

c. services to prevent problems before they develop, intensify or escalate into crisis situations,

d. case management to reduce duplication and provide quality services through comprehensive interagency planning, and

e. information and referral services.

Except as otherwise required by law with regard to child abuse or neglect or as ordered by a court, the services shall be provided on a voluntary basis and the consent of the parent or legal guardian shall be required for the delivery of services to a child.

C. The plan for the implementation of the service system shall include the support and operational requirements for implementing the system, including but not limited to:

1. The interagency program and fiscal policies necessary for implementation;

2. The adoption of common service priorities across program lines;

3. Joint public and private interagency program support activities and funding;

4. Methods of multiagency sharing in the costs of providing services to an individual child or family for the purpose of avoiding unnecessary duplication among agencies, including, but not limited to, methods of reimbursement from one agency to another for the purpose of assuring continuity of service delivery;

5. The use of common application, eligibility determination, information sharing and data management systems, which may be phased-in over time; and

6. The sharing of confidential information in accordance with state and federal law.

D. The design and implementation plan for the service system required by the Family Centered and Community Designed Services Act shall utilize and incorporate the plans, recommendations, information and resources available through other existing interagency entities related to services to children and families, including, but not limited to, interagency task forces, committees and advisory bodies established pursuant to state or federal law and shall recognize and incorporate to the maximum extent possible existing local service design and coordination activities.

E. The agencies responsible for the implementation of the Family Centered and Community Designed Services Act listed in subsection A of Section 2 of this act shall provide information and data related to services delivered to children and their families to the Oklahoma Planning and Coordinating Council for Services to Children and Youth in accordance with state and federal law.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 601.7), is amended to read as follows:

Section 601.7 A. There is hereby created the Oklahoma Planning and Coordinating Council for Services to Children and Youth which shall consist of a minimum of twenty-five (25) and a maximum of fifty (50) members, appointed by the Oklahoma Commission on Children and Youth. In appointing persons to serve as members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth, the Commission shall adhere to the following guidelines:

1. Persons holding the following positions or such persons' designee, shall be requested to serve as members of the Council:

a. the Directors of the Oklahoma Department of Corrections, ~~the Oklahoma State Bureau of Investigation,~~ the Department of Commerce, the Employment Security Commission, and the Indian Affairs Commission;

b. the Chiefs of Child Health and Guidance Services, Maternal and ~~Child~~ Infant Health Service and Women, Infants and Childrens Service of the State Department of Health;

c. the ~~Coordinators for Children and Youth Services and~~ Deputy Commissioners for Substance Abuse Services and Consumer Services of the Department of Mental Health and Substance Abuse Services;

d. the ~~Supervisors of Child Welfare and Community-Based Youth Services of the Division of Children and Youth Services of the Department of Human Services and Representatives of each of the following Divisions of the Department of Human Services: Medical Services; Family Support Services; Field Services; Rehabilitative Services;~~ Administrators of the following Divisions of the Department of Human Services: Children, Youth and Family Services, Family

Support Services, Field Services and Developmentally Disabled Services;

e. the ~~Executive Director of the Office of Juvenile Affairs or the Deputy Director for the Department of Juvenile Justice, as determined by the Executive Director and the Supervisors of Institutional Services, Youth Services, and Juvenile Services of successor divisions of the Department of Juvenile Justice~~ Administrator of the Office of Juvenile Affairs;

f. the Administrators of the Special Education Services, Gifted and Talented Services, and Guidance and Counseling Services ~~and Research and Testing Services~~ of the State Department of Education;

g. the Oklahoma State ~~Board of~~ Regents for Higher Education and the State Board of Vocational and Technical Education;

h. the President, Chairman, or Director, as appropriate, of professional and civic organizations related to children, youth and family services, including, but not limited to: the Oklahoma Education Association; the Oklahoma Association of Children's Institutions and Agencies; the Oklahoma Association of Youth Services; the Oklahoma Health and Welfare Association; the Oklahoma Public Health Association; the Oklahoma Chapter of the National Association of Social Workers; ~~the Oklahoma Sheriffs and Peace Officers Association;~~ the Oklahoma Chamber of Commerce ~~and the Academy for State Goals~~; the Oklahoma Nurses Association; the Oklahoma Chapter of the American Academy of Pediatrics; the Oklahoma Academy of Family Physicians; the Oklahoma Association of Community Action Agencies;

the Community Mental Health Directors Association; the Oklahoma Congress of Parents and Teachers Association; the Oklahoma Association of School Administrators within the Cooperative Council for Oklahoma School Administration; and the Oklahoma Municipal League.

2. The elected representatives of each of the regional planning and coordinating boards for children and youth services.

3. There shall be additional members appointed from among the following groups: business; judiciary; labor; law enforcement; media; parents; volunteer service organizations; child care facilities; community-based services to children, youth and families; community mental health services; inpatient mental health services; common education, local entities; higher education; and vocational-technical education.

4. Additional members may be appointed at the discretion of the Commission.

B. Members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall serve for a term of two (2) years, and may be reappointed.

C. Members of the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall serve without compensation but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

D. Staff assistance for the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall be provided by the Oklahoma Commission on Children and Youth through interagency agreement or contract with the Department of Human Services and other state agencies as necessary.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 601.8, as amended by Section 187, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 601.8), is amended to read as follows:

Section 601.8 A. The Oklahoma Planning and Coordinating Council for Services to Children and Youth shall meet a minimum of four times a year and shall serve as an advisory body to the Office of Planning and Coordination for Services to Children and Youth for the planning, coordination, development and improvement of services to children and youth. The Council shall make recommendations for such goals ~~and~~, for the State Plan for Services to Children and Youth, for the design and implementation of the service delivery system required by the Family Centered and Community Designed Services Act, and other recommendations, as necessary and appropriate, regarding services to children and youth to the Oklahoma Commission on Children and Youth; the Department of Human Services; the Office of Juvenile Affairs; the Department of Health; the Department of Mental Health and Substance Abuse Services; the Department of Education; and other appropriate public and private agencies.

B. The Council shall elect from among its membership an individual who is not an employee of a state agency represented on the Commission to serve as a member of the Commission. Said elected member shall serve for a term of two (2) years and may be reelected.

C. Prior to July 1 of each year, the Oklahoma Planning and Coordinating Council for Services to Children and Youth shall forward to the members of the Oklahoma Commission on Children and Youth and to each agency affected by the report, a report of its recommendations for inclusion in the annual State Plan for Services to Children and Youth and shall also make other reports and recommendations to the Commission as necessary and appropriate for inclusion in the annual report of the Commission.

SECTION 6. 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 7. AMENDATORY 10 O.S. 1991, Section 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994 (10 O.S. Supp. 1995, 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;

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

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.

~~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 8. This act shall become effective November 1, 1996.

45-2-8401 CLD