

SHORT TITLE: Children; creating the Family Centered and Community  
Designed Services Act; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1237

By: Williams (Penny)

AS INTRODUCED

An Act relating to children; creating the Family Centered and Community Designed Services Act; providing short title; stating legislative findings and intent; defining terms; providing for development of recommendations for establishment and implementation of certain delivery systems and submission of such recommendations to the Oklahoma Commission on Children and Youth for certain purpose; providing for design and operational requirements of the system; providing for incorporation of plans, recommendations, information and resources of certain efforts; requiring certain information to be provided to certain council by certain agencies; stating composition of the Oklahoma Commission on Children and Youth; providing for review, approval and monitoring of certain plans and strategies pursuant to the act; directing the Oklahoma Commission on Children and Youth to provide certain meeting space and support services for certain purpose; requiring certain meetings and reports to certain persons; directing certain state agencies to implement certain service delivery system for children and families; specifying 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; modifying recommendations to be made by the Council; 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:

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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 4 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 problems most often cited by families seeking or receiving services for their children are:

1. Difficulty in identifying appropriate service providers;
2. Being required to complete numerous applications and procedures for services at different agencies, most of which request the same information;
3. Confusing system for referrals between service providers;
4. Confusing, and often contradictory, duplication of services when received through more than one agency or service provider;
5. A service delivery system focused on the services that are available rather than the services needed by children and families; and
6. Inflexible categorical funding formulas that inhibit provision of services which address the specific needs of a child or family.

C. It is therefore the intent of the Oklahoma State Legislature that the Family Centered and Community Designed Services Act provide the framework for implementation and establishment of locally designed service delivery systems for children and families of this state.

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:

As used in this act:

1. "Commission" means the Oklahoma Commission on Children and Youth;

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

3. "Council" means the Oklahoma Planning and Coordinating Council for Services to Children and Youth.

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, through its regional and district planning and coordinating boards for services to children and youth, shall:

1. Develop recommendations for establishment of locally designed, coordinated service referral and delivery systems for children and families;

2. Develop recommendations for implementation of such systems by the appropriate state agencies; and

3. Submit such recommendations to the Oklahoma Commission on Children and Youth for review and approval.

B. The locally designed, coordinated service referral and delivery system shall, at a minimum:

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

2. Include provisions which:

a. ensure local input into planning and implementation of the act,

b. promote local responsibility and accountability for system design and service delivery within communities,

- c. ensure interagency collaboration and family involvement in service management and delivery at the community level, and
- d. encourage public and private partnerships in the local delivery of services to children and families;

3. Promote coordination of existing federal, state and local programs and services, and utilization of collaborative funding mechanisms; and

4. Initially focus on:

- a. services to children and families with multiple needs,
- b. early identification of children and families who are at risk,
- c. services to prevent problem situations from intensifying or escalating into crisis situations,
- d. case management services and comprehensive interagency planning to eliminate service duplication, and
- e. information and referral services.

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

1. Interagency program and fiscal policies necessary for implementation;

2. Establishment and adoption of common service priorities across agency and program lines;

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

4. An interagency method of prorating costs for services required by a child or family which ensures continuity of service delivery, and which includes a system for interagency reimbursement;

5. Use of common application, eligibility determination, information sharing and data management systems; and

6. Procedures for sharing confidential information in accordance with state and federal law.

D. 1. The design and implementation plan for the service system required by the Family Centered and Community Designed Services Act shall incorporate the plans, recommendations, information and resources of existing interagency efforts related to services to children and families, including, but not limited to, the plans, recommendations, information and resources of interagency task forces, committees and advisory bodies established pursuant to state or federal law. Such plan shall also incorporate, to the maximum extent feasible, existing local service design and coordination activities.

2. State agencies responsible for implementation of the Family Centered and Community Designed Services Act, pursuant to subsection A of Section 4 of this act, shall provide to the Oklahoma Planning and Coordinating Council for Services to Children and Youth information and data related to such agencies' programs and services provided to children and families in accordance with state and federal law.

E. 1. The Oklahoma Commission on Children and Youth, which is composed of the directors, or their designees, of those state agencies which are primarily responsible for the delivery of services to children and families, and representatives of statewide organizations whose members provide services to children and families, shall:

- a. review, approve and monitor the design and implementation plans and strategies prepared by the Oklahoma Planning and Coordinating Council for

- Services to Children and Youth for the locally designed service delivery system required by this act,
- b. provide meeting space, staff and other support to facilitate the design and implementation of such system, and
  - c. regularly submit, but not less than annually, periodic progress reports on implementation of the Family Centered and Community Designed Services Act to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees.

2. Representatives of the Commission and the Council 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, as appropriate or as directed by the Committee, progress reports, plans, interagency agreements and other information related to the design and implementation of the system required by this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.74 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The following agencies shall jointly implement the system for locally designed service delivery for children and families provided for in Section 3 of this act pursuant to 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 State 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. Services delivered pursuant to the Family Centered and Community Designed Services Act may include, but shall not be limited to:

1. Literacy programs;

2. Family support and preservation;

3. Child care;

4. Peer support;

5. Job skills education;

6. Employment;

7. Health education;

8. Health care;

9. Parenting assistance;

10. Home visitation;

11. Respite care;

12. Child development;

13. Housing; and

14. Transportation.

SECTION 5. 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;~~;
- 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~~;~~; and
- h. the ~~president~~ presidents, ~~chairman~~ chairs or ~~director~~ directors, 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 ~~shall be~~ asked to serve as members of the Council;

3. ~~There shall be additional members~~ 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 ~~shall be asked to~~ serve as members of the Council; and

4. Additional members ~~may be~~ appointed at the discretion of the Commission, may be asked to serve on the Council.

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, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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~~ agreements or ~~contract~~ contracts with the Department of Human Services and other state agencies as necessary.

SECTION 6. 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 regarding, for the design and implementation of locally designed service delivery systems pursuant to the Family Centered and Community Designed Services Act, and for any other plans and systems, as necessary and appropriate, related to services to children and youth to the Oklahoma Commission on Children and Youth, ~~the Department of Human Services~~, ~~the Office of Juvenile Affairs~~, ~~the State Department of Health~~, ~~the Department of Mental Health and Substance Abuse Services~~, ~~the State 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 The~~ The elected member shall serve for a term of two (2) years and may be ~~reelected~~ re-elected.

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 7. 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 8. 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~~

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 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 9. This act shall become effective November 1, 1996.

45-2-1853

CJ