

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2890

By: Lindley and Seikel

AS INTRODUCED

An Act relating to children; establishing Office of Ombudsman within the Oklahoma Commission on Children and Youth; stating duties; providing for appointment of Obudsman; establishing limitation of liability; authorizing contracting for certain services; 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 601.66 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Office of Ombudsman and the position of Ombudsman within the Oklahoma Commission on Children and Youth. The Office of Ombudsman and the Ombudsman shall be directly under the authority and control of the Oklahoma Commission on Children and Youth.

B. The duties of the Office of Ombudsman shall be as follows:

1. To identify, investigate and resolve complaints that:
  - a. are made by, or on behalf of, children, and
  - b. relate to action, inaction or decisions, of:

- (1) teachers or school administrators,
- (2) any public agency, or
- (3) health and social service agencies,

that may adversely affect the rights of nonverbal, disabled or young children regarding abuses in obtaining a free and appropriate education;

2. To provide services to assist children in protecting their rights;

3. To inform children about means of obtaining legal services and services offered by providers or agencies;

4. To ensure that children have regular and timely access to the services provided through the Office;

5. To ensure that children receive timely responses from the Office and representatives of the Office regarding complaints;

6. To participate in external advocacy and children organizations;

7. To seek administrative, legal and other remedies to protect the rights of children;

8. a. To analyze, comment on and monitor the development and implementation of federal, state and local laws, rules and other government policies and actions that pertain to the adequacy of facilities, programs and services in this state for disabled children,

b. To recommend any changes in such laws, rules, policies and actions as the Office determines to be appropriate, and

c. To facilitate public comment on the laws, rules, policies and actions;

9. a. To promote the development of citizen organizations to participate in the Ombudsman Program, and

b. To provide technical support for the development of state and local client advocacy organizations to protect the well-being and rights of children; and

10. To carry out such other activities as the Commission determines to be appropriate.

C. The Ombudsman shall be appointed by the Oklahoma Commission on Children and Youth, and may be removed by the Commission for cause. The Ombudsman shall report to the Commission and shall be responsible for:

1. The supervision of the Office of Ombudsman; and

2. Developing and implementing a statewide Ombudsman Program for the recruitment and supervision of local volunteer ombudsmen to serve as representatives of the Office of Ombudsman.

D. For purposes of the Governmental Tort Claims Act, any state, area or local ombudsman shall be deemed to be an employee of this state and as such shall not be personally liable for any act or omission made within the "scope of employment", as such term is defined by the Governmental Tort Claims Act.

SECTION 2. This act shall become effective November 1, 1998.

46-2-8793

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